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ACCOUNT of the SUBVERSION
OF THE
LEGAL GOVERNMENT

AT
MADRAS;
BY
IMPRISONING the GOVERNOR, LORD PIGOT
IN
AUGUST, 1776.

The Reader is desired to make the following alterations.

Page	line.		
3	20	<i>after</i> was,	<i>put</i> within the limits of the Governor's Military Authority
7	12	<i>after</i> garrison,	<i>for</i> , <i>put</i> ;
	24	<i>for</i> Nabob's house,	<i>read</i> a house belonging to the Nabob
17	25	" The President having	" The President—" Having
18	13	<i>dele</i> the	
19	28	<i>after</i> even,	<i>put</i> ,
33	16	induced	adduced
42	6	<i>after</i> Lord Pigot	<i>add</i> from being
43	9	<i>after</i> examination, <i>for</i> .	<i>put</i> ,
52	27	that	,
	last	give	,
53	22	<i>dele</i> that	
57	1	<i>after</i> order	<i>for</i> . <i>put</i> ,
105	20	<i>for</i> suspesi	<i>read</i> suspicion

A R E P L Y

To a

“ LETTER from ANDREW STUART, Esq;

To

The Hon. the Directors of the East-India Company,”

By

ALEXANDER DALRYMPLE, Esq; *K*

A Member of the *Council* at FORT ST. GEORGE.

Ne quid falsi dicere audeat, ne quid veri non audeat.

CICERO.

L O N D O N :

Sold by P. ELMSLY, opposite Southampton-street, Strand, and
J. SEWELL, Cornhill.

A. R. E. L. Y.

LETTER FROM ANDREW STUART

The Hon. the Directors of the East India Company

ALEXANDER DUFF ASSOCIATES

A Member of the Council of India

San Francisco, California

1854

ADVERTISEMENT.

I Am sensible of the disadvantage I labour under, by being obliged to enter the lists with so distinguished a writer as Mr. Andrew Stuart, however I have *truth* for my refuge, and I entertain the utmost confidence in the candour of the publick: my intention in the following publication is, not only to reply to Mr. Andrew Stuart's letter, but, to bring within a small compass the whole proceedings concerning the Revolution at Madrafs, in August 1776, which the East India Company call a *total subversion* of the *legal government*. I mean to give the *truth*, the *whole* truth, and *nothing but* the truth; I am not conscious of any essential omissions or mistakes, and, I can confidently assert, there are no wilful misrepresentations: the consideration of this matter coming on before parliament did not permit that careful attention, to the language and arrangement, which I could have wished to have bestowed on it, but I hope it will no-where be found unintelligible.

I have entirely avoided entering on the subject of the coroner's inquest: I am very sensible of my inability to combat with a *Stuart* in the extensive regions of Law Mystery! however I cannot omit observing that Mr. Ram, was not a coroner of Lord Pigot's appointment, but in possession of that office some years before his Lordship's return to India; nor was he a person attached to Lord Pigot from any obligations conferred upon him: the character Mr. Ram always bore in the settlement, was that of a very worthy, able, diligent and useful young man.

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*Chronology is the Touchstone of Truth; without Dates History
is Fable and Romance.*

A Letter to the Court of Directors having been printed and circulated by Mr. Andrew Stuart, respecting the conduct of his brother Col. Stuart, and it being my wish that the Publick should have the matter compleatly before them, I think it will be proper therefore to state fully the proceedings, of those men who overturned the legal government, and of Lord Pigot and his friends who endeavoured to support it.

As much stress is laid on the *Order to Col. Stuart being signed by HIS COMMANDER in CHIEF*, a few introductory remarks on the nature of the Company's Government appear necessary: and in these remarks I shall avoid every thing that can admit of controversy, however favourable to the side of the question on which I was.

The Company's settlements in India are under the administration of a President and Council; the President having been, till of late years, Governor of *all the Forts*, and COMMANDER in CHIEF of *all the Forces* employed within the Jurisdiction of that settlement over which he presided.

A

A Com-

A Commission having been given to General Lawrence as *Commander in Chief* of all the Company's troops in India, doubts arose concerning the military authority of the Governor.

The Company, in a standing order on the 19th February 1766, settled this matter on the clearest footing, viz.

" We do hereby establish, as a *positive order never to be departed from*, that the Civil Power in all our settlements shall be superior to, and command the Military; that our Governor for the time being, shall be considered, by virtue of the Commission he bears from us as *Commander in Chief of our Forces*, the SUPERIOR MILITARY OFFICER, and in consequence thereof invested with a power of commanding ALL others, of putting such in arrest who disobey his orders, and in general with every other power belonging to a Superior or Commanding Officer. And if at any time any Officer in our service, of WHAT RANK SOEVER, even though he should bear a Brevet or Commission from the King, shall refuse to obey the orders of our Governor, or acknowledge himself subject to arrest by his command, it is our *positive order* that such Officer be from that moment dismissed our service," and they add, " We persuade ourselves that General Lawrence, seeing the dangers that must attend a doubt concerning the right in a Military Command, will be equally sensible of the propriety, we may say necessity, of establishing the foregoing order without exception of Persons."

When General Clavering was appointed *Military Commander in Chief**, he gave in a *Memoir*, as he styled it, objecting to the Military

* *Military Commander in Chief* is the term used by the Company to distinguish That Officer whom, subordinate to the Presidents and Council, they had appointed to the command of all their Forces, except the Garrisons and Guards immediately under their Governor.

authority

authority of the Governors in India: upon which the Company came to a resolution to change the system that had hitherto subsisted in their settlements. By this new arrangement the Governors were no longer by their Commission, to have, *distinct* from their Council, the authority of *Commander in Chief* over all the *Troops* employed under that Presidency which they governed; but the Governor had a *particular Commission* from the Company, constituting *Him* COMMANDER in CHIEF of all the *Forces* employed within the Fort, Garrison and Town of Fort St George and Madras; and requiring "ALL Commission
 " Officers, Non-commission Officers, Soldiers, and *others belonging to*
 " *their Military Forces*, and all the people and inhabitants *employed or*
 " *residing* in their said Fort, Garrison and Town, to yield *him as Go-*
 " vernor and *Commander in Chief* due obedience accordingly."

The Military Authority therefore of the Governor, as Commander in Chief, remained the same, only the limits of his Command were restricted to the Fort, Garrison and Town where he resided; and, by the new Military regulations, to *his own guard* when *out of that Garrison*.

By the same new Military Regulations, the province of the *Military Commander in Chief* was expressly *confined* to REGIMENTAL *detail* and *Military Discipline* of the *Troops*, and all orders on these heads were to be communicated to the Governor for his *approbation* before issuing them to the *Troops* in *Garrison*.

It is therefore beyond dispute obvious, that in Madras Lord Pigot, and *no other*, was the *Commander in Chief*.

Besides this Commission to the Governor, especially appointing him *Commander in Chief* within certain limits, he had another commission from the Company, which is usually called the *Commission of Government*; as he is thereby appointed Governor of all Forts, &c. and President of the Council therein named, which Council is expressly declared

declared to be, the *better* to enable HIM to *manage* the *Company's* *affairs*.

By this Commission the authority of Government is vested in the *PRESIDENT AND Majority of Council*, ALL of whom are to be *summoned* except those *absent* as *Chiefs* of subordinate settlements: if any persons do not attend the summons they cannot vote *by proxy*; nor is the joint *Act* of the *President* and *Majority* an *Act* of *Government*, without the other Members being summoned.

The First Act of every new Government is to read, at the head of the troops, the Company's Commission constituting the new Governor; who is declared in that Commission to be *removeable* ONLY by the *COMPANY*: the necessity of summoning every Member of Council is notified in that Commission: The powers of that Commission are therefore supposed to be known by every one; when Lord Pigot's Commission was read on the parade, Sir Robert Fletcher, the Military Commander in Chief, was present *on duty*: and all officers by their Commissions are ordered to obey the *President* and *Council*, without the least proviso concerning a Majority.

This Introduction of *incontrovertible Facts* appeared to me necessary; and I think it also proper to add, that, by the New Military Regulations, *every Officer* was required to *obey all Orders* SIGNED by THE *PRESIDENT AND COUNCIL*, or by *their Secretary*, in their name.

Mr. Andrew Stuart is pleased to say, P. 3. that “before Colonel Stuart's arrival, there had been many disputes and dissensions between Lord Pigot the Governor, and the Members of the Council at Madras. The contest and animosity between them with regard to some matters of Government, was far advanced at the time of Colonel Stuart's arrival, and according to all appearances in a way of increasing daily.”

If

If all the records of Lord Pigot's administration *before* Colonel Stuart's arrival had *not been published*, we might in candour suppose Mr. Andrew Stuart had been misinformed; but these records shew, that *when* Colonel Stuart arrived there was no *contest* or *animosity* between Lord Pigot and his Council.

Colonel Stuart arrived the 1st May, 1776: Lord Pigot was then on his return from Tanjour. His Lordship reached Madras the 5th May. On the 13th he laid before the Council an account of his proceedings on that Commission: The Board approved of Lord Pigot's proceedings.—His Lordship, in his letter of 15th October 1776 to the Court of Directors, has himself declared, "He had not, on his immediate return from Tanjour, any apprehension of an opposition in Council." Nor was there *any opposition* till the end of the month, when the resolution was taken concerning Mr. Benfield's private claims on the Tanjour country.

Mr. Andrew Stuart, p. 4. continues: "In particular, the diffention between Lord Pigot, the *Governor*, and Sir Robert Fletcher, the *Commander in Chief*, soon encreased to such a height, that in the month of July, 1776, Lord Pigot *issued an order* for putting Sir Robert Fletcher under arrest, and offered the command of the army to Colonel Stuart, then second in command. This, *though a very inviting offer*, Colonel Stuart declined; He ACCOMMODATED the differences between the *Governor* and *Commander in Chief*; PREVAILED on LORD PIGOT to WITHDRAW THE ARREST; and Sir Robert Fletcher was THUS continued in the command of the army."

The only circumstance, in the papers published by the Company, concerning this matter, is in Vol. 2. p. 74. in a *note* upon the extract of General Clavering's private letter to Sir Robert Fletcher, which, it

is reported, was handed about the Garrison by an orderly Serjeant, wherein General Clavering says, " Putting Sir Robert in arrest, and " upon the pretence alleged, was the most violent act of despotism " he ever heard of."

The note observes, The Charge given to the Board by the President against Sir Robert Fletcher, was for *disobedience of Orders and infidelity to the Company* ; some of Sir Robert's friends thereupon requested, that the matter might be passed over, and nothing more said of it.— The President assenting, Messrs. Jourdan and Mackay went to Sir Robert, and returned to Council with him.

As this matter is not fully explained in the papers published by the Company, and as Mr. Andrew Stuart may have passed over the note above referred to without notice, and may have never seen my letter to the Court of Directors, in which I have contradicted this very allegation of *Colonel Stuart's having accommodated the Business*, when made by Mr. Capper, I will suppose he has not wilfully misrepresented the matter ; but as it is, however, totally misrepresented, I persuade myself it will be acceptable to the publick to receive a just representation of it, which shall be as full as my memory will admit, and I can assure them I shall say nothing that I do not well recollect, and for the truth of which I can appeal to all the Members present.

Lord Pigot himself put Sir R. Fletcher under arrest at the Company's Garden-House, and immediately ordered the Council to be summoned ; when met, he informed them he had put Sir Robert Fletcher under arrest, and desired that the Council would concur with him in issuing a warrant for a General Court Martial : his Lordship's authority to put Sir Robert under arrest was denied by some of Sir Robert's friends, who declared it was an indignity so injurious to Sir Robert, that no reparation

reparation could be made to it ; that the circumstance would be immediately transmitted to the Courts of all the Country Powers : and they said much more to the same purpose, insinuating, That they would not agree to issue a Warrant for a Court Martial : Lord Pigot insisted that he had a right to require a Court Martial, and that it was not left discretionally to the Council to refuse issuing the Warrant. I urged that the Governor's right to put Sir Robert under arrest was unquestionable, and the standing order on that head, as before recited, was produced ; Mr. Mackay (I think it was) urged that the New Regulations had superseded this order ; the *Especial* Commission to the Governor, as Commander in Chief, being referred to, he changed the ground, and alleged, that Sir Robert was not part of the Garrison, but the words of the Commission and the Standing Order, could not be explained away.

When Lord Pigot produced the charge “ for *Disobedience* of “ *Orders and Infidelity to The Company*” they at once changed their tone, and requested, that Lord Pigot would bury the whole in oblivion, and let Sir Robert return to the Council ; to which his Lordship assenting, they urged him strongly to *promise*, “ that He would never “ again put Sir Robert under arrest ;” but this his Lordship positively refused, declaring that he never would make any such promise, though he hoped there would not in future be any necessity for doing it, and that He would not do it without necessity.

Mr. Jourdan and Mr. Mackay went out to the *Nabob's House*, in which Sir Robert lived, on Choultry Plain, about two miles from Madras, and where Sir Robert continued under his arrest ; these two gentlemen brought Sir Robert back in the chariot with them.— When Sir Robert came to the Council Board, Lord Pigot was beginning to say something to him, when Sir Robert interrupted his Lordship, by observing, he was very much at a loss, as he understood from
the

the gentlemen with whom he had come in, that it had been agreed to bury the whole in oblivion, and to say nothing on the subject. That, for his own part, he had only one objection, which was, that he had given his word and honour to Mr. Harrison, before he left England, that he never would agree to suppress any part of the records, I took notice, that I did not think what passed in Council could be considered as more than conversation till made a record; but that at any rate it could only affect us who were present, and not him who had been absent. The foul minutes were accordingly cancelled, and a letter Sir Robert had written to the President and Council on the occasion of his arrest, was withdrawn.

The name of Col. Stuart was not once mentioned on the occasion. The matter was taken up and settled in Council, where Col. Stuart, having no seat at the Board, neither was, nor could be present; so that it is impossible for Col. Stuart to have had the *smallest* share in accommodating the differences between the Governor and Sir Robert Fletcher, nor did He in *any degree* PREVAIL with Lord Pigot to withdraw the *arrest*; nor was Col. Stuart in the least instrumental at that time in continuing Sir Robert Fletcher in the command of the army.

Many People thought Lord Pigot to blame in withdrawing the arrest, but his Lordship had several motives to assent to this proposition, when urged to it by Sir Robert's friends.

Sir Robert Fletcher's friends, as before observed, had considered the *arrest* as an indignity not to be atoned; they had acknowledged his Lordship's right to put Sir Robert under arrest by their urging him to promise that He would not again exert it: He had nothing vindictive in his nature; he concluded Sir Robert would be checked by this, and behave in a different manner in future: besides if the majority

majority persisted not to concur in issuing a warrant for a Court Martial, the Governor could not issue this warrant without their concurrence *, nor could he *compel* them to give their concurrence, however conformable to reason and justice.

The whole was agreed, at the earnest request of Sir Robert's friends, to be buried in oblivion, nor was it published by Lord Pigot or his friends, till it was found that Sir Robert, in breach of that agreement, had written to General Clavering, whose reply he is reported to have circulated about the garrison after Lord Pigot's imprisonment.

Col. Stuart, as Lord Pigot informed me, and as he also informed Mr. Russell, had suggested to his Lordship a question, " If the majority should try an experiment of removing their Governor?" but whether this hint was on occasion of Sir Robert's *first arrest*, or on what other occasion I cannot say. The world may perhaps think it indicates the fountain from whence sprung the future proceedings of that majority.

Mr. Andrew Stuart represents the violent measures pursued at Madras as the natural consequence of disputes between the Governor and the majority of the Council, concerning their respective powers in the Government; disputes in which Col. Stuart was no otherwise concerned, than as bound to *obey* the *Orders* of one party or the *other* : On the contrary it is notorious, that Colonel Stuart himself was *the*

* His Lordship, after Sir Robert Fletcher's friends had strongly pressed the burying what had passed in oblivion, asked Mr. Russell apart, in the window of the Council Room, his opinion of the proposal, and whether it should be accepted; Mr. R. in answer, told Lord Pigot, that he did not suppose Sir Robert or any military man could possibly acquiesce in the proposition, because it would be taking guilt to himself; however, if he did, Mr. R. saw no objection to assent to it, more especially as Sir Robert with such a charge against him, not only uncleared, but, by the intercession of his friends, unenquired into, must afterwards be upon his good behaviour.

subject, perhaps I might say the *only subject* of those disputes, and that the violent measures pursued arose entirely from the obstinate resolution of the majority to send Colonel Stuart to Tanjour at all events, which was a much *more inviting offer* than the command of the army at Madras, where the emoluments of the office were not, in time of peace, adequate to the expences incident to the station. On 16th May, 1776, Col. Stuart was appointed to the command of *Vellour*: the President at that time informed the Council that Col. Stuart had wrote a letter to *him*, expressing a wish to be stationed to the *Southward*, but the reasons assigned by Sir Robert Fletcher for appointing him to Vellour, which was the only vacant command, were such as every member approved, and the President did not urge the matter. Thus a *few days after* Col. Stuart's *arrival*, he had fixed his *eye* on *Tanjour* and *want of perseverance in his pursuits*, is not one of the things laid to his charge.

On the 22d June Colonel Stuart wrote a letter to Sir Robert Fletcher, which Sir Robert laid before the Board on the 25th, *viz.* (Vol. I. p. 301.)

To Brigadier-General Sir Robert Fletcher, Commander in Chief of the Forces under the Presidency of Madras, &c.

“ Permit me, Sir, to take this occasion of representing to you,
 “ with becoming deference, that according to the best information I
 “ am able to obtain, respecting the importance of the several military
 “ posts or commands, where the principal officers under this Presi-
 “ dency are at present placed, it seems to me that the command of
 “ the troops in the fort and garrison of Tanjore, with the depend-
 “ encies in that country, where the Company have so lately acquired
 “ influence, is on every account, the most important of any under
 “ this Presidency.

“ Thus

“ Thus impressed, I should be wanting to myself, and to the rank
 “ I have the honour to hold next to you, if I did not take occasion,
 “ *through your means*, to represent to the Honourable Board, that ac-
 “ *cording to the general practice or course of military service*, the most
 “ responsible command under this Presidency does, by the rank I hold,
 “ *BELONG to me*, in case you yourself, Sir, do not occupy that post.
 “ I do not infer from thence, that the Honourable Board may not, at
 “ their own discretion, appoint me to any station, and I know it is my
 “ duty *FIRST TO OBEY*.* But I hope, Sir, through your favourable
 “ representation to the Board, that the *usual practice* of the *army* will
 “ on this occasion take place, especially as it seems to have been the
 “ rule observed in the last distribution of cantonments or quarters for
 “ the troops on this establishment, recommended in 1775 by General
 “ Smith, where the choice of the principal command is expressly left
 “ to Colonel Lang as the senior Colonel.

“ In this manner I esteem it a duty, *through you*, to represent this
 “ matter to the Honourable Board, and shall think myself peculiarly
 “ happy if it meet with your recommendation and support.

“ I have the honour to be, Sir,

“ *Fort St. George,*
 “ *June 22, 1776.*”

“ Your most obedient,

“ And most faithful humble servant,

(Signed)

JAMES STUART.”

It was ordered to lie upon the Table.

On the 9th July it was taken into consideration.—And the fol-
 lowing is an extract of the consultations on the subject.

* He had been appointed by the President and Council to Vellore, at the
 particular recommendation of Sir Robert Fletcher, but had never gone thither,
 having requested Lord Pigot that he might remain at the Presidency for some time.

Sir

" Sir Robert Fletcher—for the reasons assigned in Colonel Stuart's letter, and *because he wishes to have Colonel Stuart's sentiments upon the state of the Fort and Country of Tanjour, with respect to their defence, particularly at a time when there is intelligence of armaments coming from France,** recommends that he be appointed to the command of Tanjour."

" Mr. Dalrymple.—Colonel Stuart's letter says, " that according to the best information he is able to obtain, respecting the importance of the several military posts or commands, &c. *it seems that the command of the troops in the fort and garrison of Tanjour, with the dependencies in that country, where the Company have so lately acquired influence, is on every account, at this crisis, the most important of any under this Presidency,*" and on this he alleges, that according to the general practice or course of military service, the *most responsible command* does, by the rank he holds, belong to him, in case the Commander in Chief does not occupy that post.

" Col. Stuart was appointed to Vellour to succeed Colonel Lang, who had been called down to Madras; and instead of proceeding forthwith to his command in the *spirit* of military service, he lays in a claim to a different command; alleging, that his rank entitles him to the most responsible command, and then determines for himself *what*

* Vid. Vol I. P. 228. " Intelligence of large quantities of military stores landed lately at Pondicherry; it is alleged these are for Hyder Ally: It is said 1200 men have been landed from the ships of this season at the islands with a quantity of stores and ammunition; and that the Ferme, a 64 gun ship is daily expected with a frigate at Pondicherry, having on board 400 military, and many of the old officers who served in India during last war". If there was any truth in these reports Vellour was a place of the greater importance.

is the *most responsible* command, a point on which he has no right to deliberate.

“ On Colonel Stuart’s arrival, Colonel Lang commanded the first regiment, whereof one battalion was stationed at Vellour, from which garrison Colonel Lang had been called down to Fort St. George on Lord Pigot’s arrival, and the vacancy at Vellour was not filled up; the other battalion was stationed to the Southward, seven companies at Trichinopoly, and only three companies at Tanjour. Col. Stuart made choice of this regiment.

“ The Commander in Chief recommended, with great propriety, that Col. Stuart should be appointed to Vellour, as the greatest body of his regiment was there, and as that garrison only was vacant. The President at that time informed the Board, that Colonel Stuart had expressed a wish to go to the Southward; I very heartily concurred with the Commander in Chief for the substantial reasons he assigned, as did the other members of the Board, none making any objection, except what the President had said.

“ Notwithstanding this resolution, taken on such good grounds, and well considered, Colonel Stuart thinks proper to demur, alledging Tanjour is a place of *most importance*.

“ That Tanjour is a place of the *utmost importance* I readily admit; but its *importance* is not *military*, but *political*. It is no frontier; it is not exposed to any attack; the garrison is only one hundred and eighty-four Europeans, fourteen artillery included; and although there are three battalions of Sepoys in the Tanjour dominions, two of these are dispersed over the country in small parties, to protect the Rajah’s officers in collecting the revenues; and when the Rajah’s government is properly established, the garrison of Tanjour will not be

D

greater

greater than at present ; and if so many of the Sepoys are kept in that country, it will probably be thought necessary to keep the greater part near to the sea coast instead of keeping them at Tanjour.

“ Vellour is garrisoned with 544 Europeans, including 12 artillery, and 1900 Sepoys. Vellour is a frontier place ; and if Hyder or the Marattas invade the Carnatic, it is on that side they are to be expected.”

“ Sir Robert Fletcher.—Mr. Dalrymple asserting in his minute, that when the Rajah’s government is properly established, the garrison of Tanjour will not be greater than it is at present, the Commander in Chief does not know by what authority it is that Mr. Dalrymple so positively fixes what shall be the garrison of Tanjour ; but it is his (the Commander in Chief’s) opinion, that Mr. Dalrymple’s judgment of the garrison is extremely erroneous ; and that the garrison ought to be at least one complete battalion of European infantry, one hundred artillery, and four battalions of Sepoys, according to the present establishment of one thousand each, independent of the garrisons to be allotted for the forts dependant upon Tanjour.”

Whereupon, “ Mr. Dalrymple acquaints the Board, that he has no other authority for supposing what will be the garrison of Tanjour, than from the size of the little fort ; and is persuaded, that unless the troops are kept distinct from the natives, that it will be impossible to maintain harmony at Tanjour.”

“ The President then laid before the Board the following extract of a letter from the Rajah of Tanjour to his Vackeel.

“ It is talked here, that Colonel Stuart will be sent to command in this place ; you will therefore tell his Lordship, that Colonel Harper, who commands at present, is acquainted with the nature of affairs

“ fairs here, in some degree, wherefore I think it will be better to
 “ continue him in the command for the present, than to appoint any
 “ new man, or a stranger to this country ; you will inform this to his
 “ Lordship.”

“ The President collected the sense of the Board as to the appointment of Colonel Stuart to the *command* of Tanjour, recommended by Sir Robert Fletcher.

“ Mr. Mackay *for* the appointment.

“ Mr. Palmer, } “ Although we cannot entirely approve of
 Mr. Jourdan, } Officers *claiming particular commands*, yet the
same being respectfully set forth, and the Commander in Chief recommending Colonel Stuart to be put into the command of Tanjour, we *acquiesce* therein.”

“ Mr. Stone.—“ The reasons urged by Sir Robert Fletcher for Colonel Stuart’s being ordered to Vellour, when it was proposed he should go to the southward, appeared to me so satisfactory, that I had no doubt of the propriety of the measure, and therefore readily concurred therein. I see no one reason assigned in Colonel Stuart’s letter, which did not exist at the time Colonel Stuart was ordered to Vellour, and therefore cannot change my opinion. I have no objection to his being ordered to proceed to Tanjour, or to any other place, for the purpose of transmitting to the Commander in Chief, such information as may be necessary with regard to the state of the fortifications and discipline of the troops, but I think it improper that the second in command should be fixed where so small a part of the troops of his regiment are stationed, and when by far the most considerable part of it is stationed at Vellour, a place, in my opinion, of much more importance, from its situation, than Tanjour.”

“ Mr.

“ Mr. Floyer.—“ For the reasons assigned by the Commander in Chief, in his minute now before the Board, I am of opinion, that Colonel Stuart should be ordered to proceed to the duty recommended by his Commander in Chief: and that he should, consequently, as a senior officer to Lieutenant Colonel Harper, take upon him the command of the troops in the fort and country of Tanjour, at present under the command of Lieutenant Colonel Harper, *during such service as the Commander in Chief has pointed out to be necessary.*”

The minute is in *itself* very *ambiguous*, as it implies only a temporary command of the troops in Tanjour, whilst *present there* for the purpose of informing the Commander in Chief of the state of the garrison.

This was not the *appointment* recommended by Sir Robert Fletcher, and claimed by Colonel Stuart. The *appointment* he claimed was “to be commandant of Tanjour,” however Mr. Floyer concludes his minute. “I am *therefore* for his appointment.” So that his *reasoning* is on *one side*, and his *vote* on the *other*.

“ Mr. Dalrymple.—“ I am *against* the question, for the reasons assigned in my minute, to which I must add, that appointing Colonel Stuart to the *command* of the *garrison* of Tanjour, appears to me to preclude him from inspecting the forts of Trichinopoly, &c. which the Commander in Chief, in the present state of his own health, declared he thought it *necessary* for Colonel Stuart to do; and I think the *Rajah* having requested that Colonel Harper be continued, the Board ought to pay attention to his wish.”

Sir Robert Fletcher, who had not attended to the paragraph before inserted, from the *Rajah* to his *Vakeel*, asked if the *Rajah* had made such an application? Although this *staggered*, it did not stop him.

“ Mr.

“ Mr. Russell.—“ I assented to Colonel Stuart’s being appointed to the command at Vellour, for the reasons given by the Commander in Chief, which induced me to believe it was the most important command. I know of no change of circumstances, and therefore must abide by that opinion, and therefore am *against* the question.”

“ Mr. Brooke—Is for the appointment of Colonel Stuart, because Tanjour, *a place of great importance*, is in a *defenceless state*; because there is intelligence of the French sending armaments this season, and it becomes necessary that we have the *sentiments* of the *ablest persons* laid before the Board, in order that *it* may be put in the best state of defence possible: and *more particularly* because the Company have appointed him *second in command*, and he is recommended by Sir Robert Fletcher.”

N. B. No *opinion* or *vote* of Sir Robert Fletcher.

“ Mr. Stratton.—“ On the *recommendation* of the Commander in Chief, (which the Company directs that we should always pay *due attention* to) I am of *opinion* that Colonel Stuart should be appointed to the command of Tanjour; more particularly as the Commander in Chief declares in the minute of this day, that the garrison there should consist of *one compleat battalion of Europeans, one hundred Artillery, and four battalions of Sepoys* *; from which I must conclude, that he pur-poses recommending such a disposition of the troops, when he lays this subject before the Board.”

“ The President having recommended to the consideration of the Commander in Chief, that the troops at Poonamallee and Vellour should

* Vide Rajah’s complaint of part of the Sepoys left by Lord Pigot being withdrawn by Mr. Stratton, &c.

be joined in one body, which the present state of affairs seems to require, from the great difficulty in supplying provisions for the troops in this part of the country: and the Commander in Chief's health, and other occupations which he thinks his indispensable duty, confining him to Madras, I am of opinion, that Colonel Stuart should continue in the command of Vellour, where the greatest part of his own regiment now is; and if such an arrangement as above-mentioned should take place, a principal part of our troops will be immediately under his eye.

" I join in wishes with the Commander in Chief to have Colonel Stuart's sentiments upon the state of the fort and country of Tanjour, with respect to their defence, as well as upon that of Trichinopoly, &c. I before expressed my desire to have the the sentiments of the Commander in Chief upon these subjects, had his health enabled him to make such a journey; but I entirely disapprove of the continuance of Colonel Stuart to the southward, where, after the above services are executed, he can be of no service to the Company. I cannot therefore give my consent to his appointment to the command of Tanjour, and the removal of Colonel Harper, who has behaved well and satisfactory both to the Rajah and myself."

Whoever pays attention to the proceedings in Council upon Colonel Stuart's letter, and to the letter itself; must, I think, be satisfied, that it was taken up by Sir Robert Fletcher and his adherents entirely from a spirit of party; since their arguments, such as they are, go not to Colonel Stuart's being *Commandant* of *Tanjour*, whereby he would be confined to that place; but to the propriety of Colonel Stuart's *inspecting all the Forts*, which Lord Pigot and his friends concurred in wishing might be done: and that Colonel Stuart's application was made to *Sir Robert Fletcher*, in hopes his endeavours in that channel would

would be more successful than through Lord Pigot, from whom Colonel Stuart estranged himself entirely soon after his first fruitless attempt on Tanjour. But let us return to his brother's letter.

Mr. Andrew Stuart states "the situation of affairs at Madras to be reduced to the crisis of a contest, which almost unavoidably produces the necessity of resorting to strong and violent measures."

I deny that things were reduced to this *crisis*. There was a difference of opinion concerning the powers of the President, who insisted, that the Council could no more act *without his concurrence*, than He *without the concurrence* of the majority of council: but he offered to engage never to make use of this negative, which he claimed, except in cases of necessity, where the essential interests of the Company were at stake, if they would only admit it until the Company's pleasure could be known: he urged that he was confirmed in the opinion, that the President's concurrence was necessary to make an act of government from his own experience in Forty years service, and from the Company's records, for almost a century; in which, not *one instance* could be brought against his pretension, though many testimonies are therein found to confirm it: he urged, that the present instance, Col. Stuart's immediately proceeding to Tanjour, was a matter wherein the interests of the Company were not materially affected; but that he would even concur in permitting Colonel Stuart to proceed immediately to Tanjour, if they would allow Mr. Russell also to proceed thither agreeably to his nomination by the President and Council, as resident at Tanjour; a nomination *antecedent* to Colonel Stuart's appointment to the command of Tanjour, a nomination which had never been revoked: that the Company's affairs could not possibly receive any essential detriment by Mr. Russell's proceeding to Tanjour; and that he would, even for peace, agree, that Mr. Russell should be recalled in a few days, if they thought proper then to recall him.

To

To this, what offer of concession was made by the majority?—
 NONE. They peremptorily insisted that Colonel Stuart should immediately proceed to Tanjour.—That Mr. Russell should not proceed thither, and that the Governor was bound to give his assent to every resolution of the majority.

Lord Pigot was indeed reduced to a dilemma, as the majority were not to be satisfied with any thing less than *unconditional submission* of the President to their resolutions, whatever might be the nature or tendency of those resolutions.

On the 19th August, Sir Robert Fletcher sent to the secretary, to be laid before the Board for their Consideration, a paper of instructions to Colonel Stuart, which he preferred to others he had delivered some time before; Sir Robert did not himself attend Council that day:—Much altercation ensued, (Vol. 1. p. 356.) and the Council was adjourned.

On the 20th August the Council again met. Mr. Mackay, the youngest member, gave in a minute, intended to record his opinion “that the Board do now proceed to take into consideration the instructions to Colonel Stuart:” Mr. Jourdan, the next junior, subscribed to Mr. Mackay’s opinion. The President then declared, “that having determined not to give his consent to Colonel Stuart’s going to Tanjour until Mr. Russell shall be ordered to proceed thither agreeable to his appointment, he will not allow the matter to be now agitated at the Board.”

Upon this I observed, “that I apprehended the President misunderstood the matter; that Members of Council have a right to give in minutes; and that what his Lordship had said might be construed to prevent members giving their sentiments on the records for the information of the company.”

Upon

Upon which the President said, "that now understanding it as minutes of the several members, he could have no objection to their entering what they thought proper for the information of the Company."*

Mr. Stratton then requested that the question should be put, to take into consideration the draught of instructions to Colonel Stuart. To which the President declared, that for the reasons he had before assigned, he would not put the question *at that time*.

Mr. Palmer desired it might be minuted, he was of the same opinion as Mr. Mackay.

Mr. Stone, the next junior to Mr. Palmer, was then asked by Mr. Floyer, next junior to him, whether he should be favoured with Mr. Stone's opinion on the question; Mr. Stone observed, that there being no question before the Board, every member had a right to give his sentiments or not, as he thought proper, and therefore deemed it unnecessary to give an opinion on the occasion.

Mr. Floyer *offered it as his opinion*, that the draught of the instructions be now taken into consideration.

Mr. Brooke declared himself of Mr. Mackay's opinion.

The opinions of Mr. Dalrymple and of Mr. Russell, who were in rank between Mr. Floyer and Mr. Brooke, were not asked or given.

* In the letter from Mr. Stratton, &c. to the Court of Directors, par. 141 and 142, they entirely omit the observation made by me, and the President's declaration in consequence: so that by their representation it is implied, that Lord Pigot wanted to debar them from informing the Company with their sentiments.

Mr. Stratton gave his opinion, that the Instructions to Colonel Stuart should now pass, and be sent to Colonel Stuart.

Mr. Mackay declared his approbation of the instructions. Mr. Jourdan, Mr. Palmer, Mr. Floyer, and Mr. Brooke, expressed the same approbation. Mr. Stratton declared that he had already approved of them.

Mr. Stratton referred to the standing orders to prove the majority was the government. And Mr. Dalrymple gave in a minute to refute that position. (Volume 1. p. 363.)

However, Mr. Mackay then gave in a minute in these words.
 “ The majority of the Board having approved of the instructions
 “ for Colonel Stuart, *I am of opinion*, that the secretary should
 “ have them wrote fair, and a letter be prepared to Colonel Har-
 “ per to deliver up the command of Tanjour to Colonel Stuart.”

Mr. Jourdan and Mr. Palmer declared they thought the letters would be written of course.

Mr. Floyer, Mr. Brooke, and Mr. Stratton, declared themselves of Mr. Mackay's opinion,

The instructions to Colonel Stuart, and a letter to Colonel Harper, being wrote fair, “ The President declares, that conformably
 “ to what he has before said, he will not put his name to them ;
 “ that having made use of every argument in his power to dis-
 “ suade the majority of the Council from attempting to carry this
 “ measure into execution without his concurrence, so he thinks
 “ it his duty to the Company, his friendship to the different mem-
 “ bers, and to the good order and government of the settlement, to de-
 “ fire

“ fire that they do not proceed further herein ; and to declare it as his
 “ opinion, that without his name to those orders they are not the act
 “ of Government ; and men executing such orders may be liable to
 “ difficulties, which he wished the different members to be as sensible
 “ of as himself.”

This temperate minute had so far effect as to produce a desire that the Council might be adjourned for two days.

On the 22d August the Council accordingly met again; Sir Robert Fletcher had not attended Council for some days: The other members of the majority gave in a minute, declaring the President's conduct, in refusing his name to the resolutions of the majority, to be unconstitutional and illegal, and that he was, as much as any other member, bound to assist in carrying into execution the orders of the majority; but they did not think any specifick references necessary to the *orders* of the *Company*, but confined themselves to declarations from themselves, which, in a contested point, could be of no authority. They concluded their minute with declaring it to be their *opinion*, “ That in case of the President's refusing to put a question,
 “ *proposed by any member*, it *shall be* the duty of the Secretary to put
 “ that question, beginning first with the youngest member, and the
 “ *duty of every member* of Council to answer such question; and that
 “ a refusal to answer *shall be deemed* a breach of the Company's
 “ Standing Orders.”

The obvious intention of this declaration was to wreak their vengeance on their opponents; and they had, by very significant inuendos testified what I might expect; but having hinted in the former consultation the plan they meant to adopt, *viz.* to direct the Secretary to issue the instructions to Col. Stuart, *by Order of Council*, we came prepared for the event.

As it is essentially necessary for the public to have before them a full and comprehensive State of the Constitution of the Company's Government at Fort St. George, it is proper, by every means the Records afford, to explain the nature of this Government, and the nature of the Authority with which Lord Pigot, as President and Governor, was invested; I flatter myself the public will forgive the prolixity unavoidable on the occasion, and the repetitions which a full Statement of the Case may require. I must intreat that they will form their Judgment without any regard to *post facto* Declarations, whether flowing from Party views or ignorance; for as an ingenious writer has justly observed, "Neither the Company's Orders, nor all the Powers of Human Nature, nor Omnipotence itself, can make that *to have been* the Constitution at any given period, which is now past, that *was not then* the Constitution;" and I hope this will be admitted as a sufficient reason for my avoiding every discussion of the opinions given by the Governor-General and Council of Bengal, "to whom a *superintending power over all the Company's settlements in India, BOTH in MATTERS CIVIL AND MILITARY,** was NOT delegated by the authority

* Mr. A. Stuart's Letter, p. 35. To prevent all doubts on this head, the following is an extract of the Act itself, authorising the Governor-General and Council of Bengal, "to have Power of superintending and controuling the government and management of the Presidencies of Madrafs, Bombay, and Bencoolen respectively, SO FAR AND IN SO MUCH as that it shall NOT BE LAWFUL for any President and Council of Madrafs, Bombay, or Bencoolen, for the Time being, to *make any Orders for COMMENCING HOSTILITIES, or declaring or MAKING WAR, against any Indian Princes or Powers, or for negotiating or concluding any Treaty of Peace, or other Treaty, with any such Indian Princes or Powers, without the Consent and Approbation* of the said Governor-General and Council first had and obtained, EXCEPT in *such CASES of imminent NECESSITY as would render it dangerous to postpone such Hostilities or Treaties until the Orders from the Governor-General and Council might arrive; and EXCEPT in SUCH CASES where the said Presidents and Councils respectively shall have received SPECIAL ORDERS from the said United Company; and any Pre-* fident

authority of Parliament; the superintending and controuling power over the other settlements being expressly confined to *making peace* and *commencing hostilities* with Indian powers, and even in those instances *with exception* to cases of necessity, or where the *Company's special orders* were given. The impartial world have now before them *all the public documents* which the Governor-General and Council of Bengal had, and are therefore competent to decide, without the assistance of men who had *fomented*, if they had not *raised*, those dissensions in the Council at Madras.

The Proprietors of East India Stock on the 28th of February, 1775, recommended to The Court of Directors to appoint Lord Pigot to be President of the Council, and Governor of Fort St. George.

President and Council of Madras, Bombay, or Bencoolen, WHO SHALL OFFEND IN ANY OF THE CASES AFORESAID, shall be liable to be suspended from his or their Office by the Order of the said Governor-General and Council; and every President and Council of Madras, Bombay, and Bencoolen, for the Time being, shall, and they are hereby respectively directed and required, to pay due obedience to *such Orders as they shall receive*, TOUCHING THE PREMISES, from the said Governor-General and Council for the Time being, and constantly and diligently to transmit to the said Governor-General and Council Advice and Intelligence of all Transactions and Matters whatsoever, that shall come to their Knowledge, relating to the Government, Revenues, or Interest, of the said United Company."

This is the ONLY part of the Act of Parliament in any measure relative to the subject; and the epithet *Supreme Council*, which I believe was of Mr. Capper's coinage, is not once to be found in the Act. It is equally impossible as unnecessary to adduce further proof that the *Governor-General and Council of Bengal* had NO *superintending* or *controuling* power, concerning the subject in dispute at Madras: though another writer on the part of Mr. Stratton, &c. hath, with their usual effrontery, said, this "supreme controul extends to every instance where the interest of the Company, or the peace and tranquility of their settlements are any way concerned," To answer men who will assert any thing is an arduous task.

On the 1st of March, 1775, Lord Pigot was accordingly appointed by the Court of Directors.

The Commission of Government to Lord Pigot was dated the 11th April, 1775; and to this Commission the Company's Seal was affixed.

Lord Pigot, as Governor, to continue in the exercise of his office till removed by the Court of Directors.

This Commission constituted Lord Pigot, immediately on his arrival at Fort St. George, and publication of the Commission, "to be
 " *President and Governor* of and for *all the* Company's affairs on the
 " Coast of Choromandel, &c. and of *all the territories* thereunto be-
 " longing, and of *all* and singular the *Forts, Factories, and Settle-*
 " *ments, territories, Countries and Jurisdictions* thereof; and to exe-
 " cute all and every the powers and authorities thereunto appertain-
 " ing, by order and direction of the Court of Directors of the said
 " United Company for the time being, and TO CONTINUE IN THE
 " EXERCISE of the same DURING OUR AND THEIR PLEASURE, and
 " UNTIL the CONTRARY thereof SHALL BE SIGNIFIED UNDER the SEAL
 " of the *said* UNITED COMPANY of Merchants of England trading
 " to the East-Indies, or under the HANDS of THIRTEEN OR MORE OF
 " the COURT OF DIRECTORS of the said Company for the time being."

Council appointed, the better to enable Lord Pigot to manage the Company's affairs.

And to the end that the said Lord Pigot might *be better enabled to*
 ORDER * and *manage* all the Company's Affairs, The Company consti-
 tuted certain persons to be of their Council of Fort St. George;
 for GOVERNING and *managing* all the Company's Affairs on the
 Coast of Choromandel, &c. and *governing* the said Fort Saint
 George, and City of Madras-Patnam, and all other Forts, Fact-
 ories, and Settlements, within any of the said territories, viz.

* These words, ORDER and *manage*, applied to the President, compared with GOVERN and *manage*, applied to the President and Council, seem clearly to determine that the ORDER of proceedings rests with the President ALONE, but the authority of *governing* with the President and Council.

George

George Stratton	2d.
Joseph Smith	3d. fixed not to rise to a superior rank therein.
George Dawson	4th.
Henry Brooke	5th.
John Whitehill	6th.
Claud Russell	7th.
Charles Smith	8th.
Alex. Dalrymple	9th.
Samuel Johnson	10th.
Charles Floyer	11th.
John Maxwell Stone	12th.
Archdale Palmer	13th.
James Hay	14th.
Edward Stracey	15th.
Edward Cotsford	16th.
Richard Lathom	17th.
Francis Jourdan	18th.
George Mackay	19th. not to rise to a higher rank.

“ Granting unto our *said President and Governor*, George Lord
 “ *Pigot* and to our Council *aforenamed*, or the major part of them,
 “ [*i. e.* of those persons *beforenamed*] (the whole Council, except such
 “ who are absent as Chiefs of subordinate Factories, being duly sum-
 “ moned) *full power and authority*, from time to time, to *rule and govern*
 “ all and every our factors and Servants under the *said Presidency*, and
 “ all the *Soldiers and Inhabitants* of our *said Fort St. George*, and City
 “ of *Madras-Patnam*, and *elsewhere*, within the places *aforesaid*; To
 “ do and perform all such *Acts and Things*, and to use and exercise all
 “ such powers and authorities as the *said President and Governor and his*
 “ *Council*, in their several and respective places where the *said United*
 “ *Company have or shall have* Factors or any places of trade are
 “ authorized:

“ authorized to do ; subject nevertheless to the *superintending* and *controlling* power of the *Governor-General and Council of Fort William in Bengal*, IN SUCH CASES wherein they ARE AUTHORIZED TO HAVE A SUPERINTENDING AND CONTROLLING POWER in and by an Act of Parliament passed in the 13th year of his present Majesty's reign, intituled, “ An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, “ as well in India as in Europe,” also subject and according to such instructions and directions as he the said George Lord Pigot, our President and Governor and Council aforesaid, shall from time to time receive, under the hands of thirteen or more of the Court of Directors of the said United Company for the time being.”

Obedience
ordered to
Lord Pigot
and HIS
Council.

The Company “ order and require all their Factors, Servants, Officers, and Soldiers, within the limits of the said Presidency, and all the People and Inhabitants of Fort St. George and City of Madras-Patnam, or of any other fort, place, or colony, within the said Presidency, to *conform, submit, and yield due obedience* unto the said Lord Pigot, President and Governor, AND HIS Council accordingly.”

Lord Pigot's
Commission
as Comman-
der in Chief
of the Troops
in Garrison.

Besides THIS Commission, Lord Pigot had a Special Commission Under the Company's Seal, dated 4th April, 1775*, to be *Governor and Commander in Chief* of the FORT AND GARRISON of Fort St. George and Town of Madras-patnam, and of all the forces which then were, or hereafter should be employed for the Service of the Company within the said Fort, Garrison, and Town. This commission is in the following words.

* The Commission of Government being of a later Date, was owing to a Ballot on the 6th of April, 312 to 17, for restoring Mr. Dalrymple, one of the Council, and on the 11th the Court of Directors accordingly appointed him in the Council.

The

The United Company of Merchants of England trading to the
East-Indies,

To George Lord Pigot, Baron Pigot of Patshul in the Kingdom of
Ireland, Governor of the Presidency of Fort St. George.

WE the said United Company, reposing especial trust and confidence in you George Lord Pigot, do by these presents constitute and appoint you to be our *Governor and Commander in Chief* of our fort and garrison of Fort St. George, and town of Madraspatnam, and of *all the forces, which now are or hereafter shall be employed for the service* of the said United Company *within the said fort, garrison and town*; and you are to the utmost of your skill and power to do and perform all such offices and services, as appertain to the post of Governor and *Commander in Chief* as aforesaid, and to continue in the exercise of the same *during our pleasure*; subject nevertheless to all such rules, orders, and instructions, as have heretofore been given to the President and Council of Fort St. George aforesaid, and are now in force, and also such others as you shall at any time hereafter receive in writing from the Court of Directors of the said United Company, or under the hands of thirteen or more of them. And we do hereby strictly *require, charge, and command all commission officers, non-commission officers, soldiers and others belonging to our military forces, and all the people and inhabitants* EMPLOYED OR RESIDING in our said fort, garrison and town, to yield you as *Governor and COMMANDER in CHIEF* as aforesaid, due obedience accordingly. Given under our common seal this fourth day of April, in the fifteenth year of the reign of our Sovereign Lord George the Third, by the grace of God of Great-Britain, France and
H Ireland,

Ireland, King, Defender of the Faith, and so forth, and in the year of our Lord one thousand seven hundred and seventy-five.

L. S.

By Order of the Court of Directors of the said United Company.

P. MICHELL, Secretary.*

* The following is a copy of the commission granted by the Court of Directors to Col. Stuart on the 15th of November 1775.

The United Company of Merchants of England trading to the East-Indies,

To James Stuart, Esquire, Greeting.

WE the said United Company, reposing especial trust and confidence in you, do by these presents constitute and appoint you to be Colonel of Foot in our service, at our Presidency of Fort St. George in the East-Indies; and do give and grant you full power and authority to take your rank and post as Colonel of Foot, next to and immediately after Sir Robert Fletcher, Knight, Colonel of Foot in our service at our said Presidency. You are therefore faithfully, diligently and carefully to discharge the duty thereof, by exercising and well disciplining the inferior officers and soldiers, who may from time to time be put under your command. And we do hereby charge and command them to obey you as Colonel of Foot; and you are at all times to observe and follow all such orders and directions as you shall receive from us, *our President and Council of Fort Saint George*, aforesaid, or any other your superior officer, according to the rules and discipline of war, in pursuance of the trust hereby reposed in you; or failing therein, our said President and Council are empowered by us to vacate and annul these presents. Given under our common seal this fifteenth day of November, in the sixteenth year of the reign of our Sovereign Lord George the Third, by the grace of God of Great Britain, France and Ireland, King, Defender of the Faith, and so forth, and in the year of our Lord one thousand seven hundred and seventy-five.

L. S.

By Order of the Court of Directors of the said United Company.

(Signed)

P. MICHELL, Secretary.

And

By the Company's Commission of 11th April, before recited, it appears, The Council is appointed the better to enable

And so far from Col. Stuart being appointed *second in command* of all the Company's forces upon the Coast of Choromandel, as Mr. Andrew Stuart represents, p. 3. Brigadier General Joseph Smith's *voluntary* resignation of the office of Military Commander in Chief, having happened *not a month* before Col. Stuart's commission is dated, could not possibly be then known in England; Colonel Stuart was only appointed a *Colonel*, next to Sir Robert Fletcher, who was not at that time supposed to be *Brigadier General and Commander in Chief*, but only himself a COLONEL. What Mr. Andrew Stuart says about *agreements* and *appointments* must therefore be erroneous: Colonel Stuart was to succeed Sir Robert Fletcher, as Sir Robert was to succeed General Joseph Smith, but the Company entered into no *particular agreements* with Colonel Stuart; every officer is entitled to expect promotion if he behaves properly; but the word *agreement* carries the idea of a bargain and *engagement* on the part of the Company. Colonel Stuart's *unremitting assiduity* it is well known obtained him his appointment in the Company's service; notwithstanding the following resolution of a General Court of India Proprietors.

On 1st February, 1774, on a ballot, 347 to 192, the Court of Directors appointment of Colonel Stuart to the command of the Company's troops at Bombay was rescinded.

The General Court on 7th February resolved, " That it be recommended to " the Court of Directors to make some other suitable provision for Colonel Stuart " in the service of the Company, when a convenient opportunity shall offer, *so* " *that such provision shall not UNJUSTLY supersede any officer or servant.*"

This resolution was never revoked; but I suppose Colonel Stuart was appointed a *Colonel* on the Madras establishment, by which he SUPERSEDED many officers, by a quibbling construction of the word UNJUSTLY. If such a *social compact* had subsisted between the Company and their officers, as Mr. Andrew Stuart supposes to have been entered into with his brother; that brother could not have received his commission as a *Colonel*. And here I cannot refrain mentioning an anecdote of what happened the very day of this Resolution.—One of the principal Directors having come out of the General Court, and standing by the fire-side in the next room, expressed his dissatisfaction at Colonel Stuart's being thrown back upon the Directors, and the difficulty they were thereby brought into, I took notice, that I

thought

Governments in India similar to our Government at home; not republican, but mixed.

the Governor to manage the affairs of the Company, and therefore that The Members of Council were neither by the letter nor

thought very differently, for that the resolution precluded Colonel Stuart from any station in the Company's Service in India on the present establishment, and if he made an application, there was nothing requisite but to refer him to the resolution. This Director replied, "Yes, Mr. Dalrymple, that would do with you, but " it wo'nt do with Col. Stuart; ever since the election in April, I have had a visit, " at least twice a week, and letters innumerable."

The following paper is subscribed by all officers at the India House before they go to India.

" The particular circumstances the several officers appointed by the Court of Directors are to be acquainted with before they take their oaths.

" That all such as are or have been in His Majesty's service are to take rank of one another, in their arrangement here, according to the date of their respective commissions; that is to say, the Lieutenant-Colonels are to rank with each other of the same class, as Lieutenant-Colonels; the Majors in like manner as Majors; the Captains in like manner as Captains; the Lieutenants in like manner as Lieutenants; that on their arrival in India they are to rank next to the lowest of the same class there, in the order they are named from here, viz. the first person of each class upon the list here is to rank under the last officer of the Company's of the same denomination who shall be in commission on their arrival in India; that it is to be observed however, that such officers belonging to the Company who have leave to return in their service, are to take rank agreeable to the last commissions given to them in India, in the same manner as if they had continued there. All the said officers to be further informed, *they are not only to obey their superior officers*, according to the rules and discipline of war, but *that they are to be entirely subject to the orders of the GOVERNOR AND COUNCIL at each Presidency*, who are the Company's *LEGAL Representatives*, as likewise to such orders they may receive from any of the Company's Civil servants at their several subordinate settlements, to whom the *Governor and Council* shall think fit to delegate such authority. To inform them likewise, as *they are entirely subject to the authority of the Company's Civil Representatives*, so the GOVERNOR and COUNCIL, upon the misbehaviour

nor *spirit* of that Commission intended to manage the Company's Affairs without the Governor. Indeed the Constitution of the Governments in India bear a great resemblance to our Government at home: a Council is established to advise, and at the same time to be a *cheque* upon the Governor; so that without the concurrence of a Majority with Him, his Acts are not valid; and he, on the other hand, is a *cheque* upon them by his Negative: but if the Governor's Negative is taken away, the Balance of Government between President and Council is destroyed: the Government rests totally on the Majority of Council, and the title of Governor is wholly insignificant: He becomes reduced to a simple Member of the Council. Such never was the Constitution of the India Government, if we may rely on the Judgement of those great Lawyers, the present Lord High Chancellor, and Mr. Dunning*.

The only allegations that have been induced from the Company's Records to shew that the *efficient power* is vested in the

misbehaviour of any officer, may, whenever they think fit, TAKE AWAY SUCH OFFICER'S COMMISSION without bringing him before a Court Martial, according to the general practice of the service.

We, whose names are hereunto subscribed, have read and agree to serve according to the above regulations.

Signed, amongst others,

JAMES STUART."

* "We are of opinion, that by the constitution of this body, [the Government of Fort William] as it stood before the late Act of Parliament [when it was the same as that of Fort St. George] The President and Governor was an integral and essential part of it, without whom no Council could be legally holden, and on whose departure, therefore, it was of course dissolved, unless where he appoints a Delegate."

I

Majority

Majority without the President, are by forced constructions or partial quotations of *Old Standing Orders*.

Here it will be necessary to explain what is meant by *Standing Orders*: The *Standing Orders*, as they are called, are *Extracts* from the *Company's Letters*, not *digested* into a *Constitution*, but *Copies* of the *Paragraphs* of the *Letters* entered into a book from time to time: The first compilation of this kind was made about the latter end of the last century from the *Company's Letters* to Fort St. George, antecedent to that period; another collection was made during the Government of George Meriton Pitt, about forty years ago; since then additions have been made, occasionally, but not regularly, till the whole are now almost a chaos of Contradiction and Incertainty: Publick business cannot stop till all the *Company's Letters* are examined for half a century, to know whether They have given any directions on the subject: The rule, therefore, of Government must depend very much on *antient usage*, of which Lord Pigot was a good judge, having been Deputy Secretary above Thirty years ago, and afterwards Governor of Fort St. George, almost for ten years.

The only orders which have been quoted as proof that the Authority is vested in a *Majority without the President*, are of 1678, and 1702; and therefore it may be fairly inferred, *no others* do exist. The Orders quoted, are,

"3d January, 1678. Whatever shall be agreed on by the
"Majority, shall be esteemed the Order by which each one is to
"act: and accordingly every individual person, even the Dissent-
"ers themselves, are to perform their parts in the prosecution
"thereof; and, in so doing, they do their duty, and must not
"be blamed for the event."

This.

This is a partial quotation : the whole, as it stands in the book of *Standing Orders*, is,

“ As to your scruple of *acting* any thing that shall be ORDERED in Council, by majority of votes, we do confirm our former orders therein, and those that *dissent*, should enter it, with the reasons, for our full information ; but, notwithstanding, whatever shall be agreed on by the majority, *is to be* esteemed the order by which each one is to act ; accordingly every individual person, even the Dissenters themselves, are to perform their parts in prosecution thereof, and in so doing they do their duty, and must not be blamed for the event.”

This Order was in answer to doubts whether Members of Council who had *dissented*, were to join with the President and Majority, in carrying the *Resolutions* of Council into effect : the change of “ *is to be*,” which, must obviously be considered as *merely explanatory* ! into, “ *shall be*,” is an alteration scarcely to be supposed *accidental* ; however, this order only explains a constitution already established : No doubt had arisen, *what* constituted an order of Council, and therefore the Company's Reply could not be construed to change the Constitution of their Government. It extends only to *acting* any thing ORDERED in Council, when the Council were not *unanimous*.

The Court of Directors, 18th February 1690, established the following Standing Order ; “ when any of our Council *differ* in opinion from our President, make your objections in such decent manner, as is due to the Person whom we have entrusted with the chief authority of that place.”

At this period, there were great dissensions in the Council of Fort St. George ; the whole Council being in *opposition* to the Governor : In consultation, 14th. October 1690, a letter to the Company was *passed* in Council, although all the Members *present*, who sign the consultation,

sultation, (except the President) enter their *disapprobation* of the letter. The Company (22d. January 169½ Par. 3.) call it a *general letter**, signed *only* by the *President*, but “refused to be subscribed by the *rest* of the *Council*.” They afterwards add, “We are very sorry for the “differences that have been amongst you; and although there may “have been too much heat and passion on both sides, as there al- “ways is on such cases, yet we must do our Council so much right “as to say, They had reason to *seperate themselves from the President*, “and it was much wiser, and more for our service, that they did it “jointly *altogether*, than if they had divided themselves into different “factions on both sides.”

This surely evinces, that the Company's Constitution of Government, was not then understood to vest the authority in a *Majority*, without the *President's concurrence*: The *Council*, although they refused to sign the General Letter to England, did not *seperate themselves* from the Governor in all cases, but attended their duty in Council and transacted the ordinary business; the records of that year afford frequent instances of the *Majority* differing from the Governor, but none, where the Opinion of that Majority was considered as the *Resolution* of the *Board*, until it had the President's concurrence.

In consultation, the 19th August, I entered a minute† in which I quoted this letter of the Company, so that it was well known to all the Members of Council, and in all contested points concerning the Power of Government, the only mode of determining, is, by the example of former times.

* General Letter is the term for *Public Letter* to or from the Governments in India.

† Vol. I. p. 364.

The standing order of 1678, above recited, is the only authority. Those persons, who deprived Lord Pigot of his Government, thought proper to *publish* in vindication of their proceedings; they dropped the other of 1702, which they had quoted in Council, viz.

" 9th. March 1702. We do strictly enjoin, that all our affairs be
" transacted in Council, and ordered and managed as the Majority of
" Council shall determine, and not otherwise, upon any pretence what-
" soever, &c."

They omitted the *first part*, which declared the occasion of this order, and the last part they expressed by a convenient, &c. The whole of the order runs thus,

9th. March 1702. " This goes by the Tavistock, and being now
" upon a *new Foundation* and Establishment, it will be expected that
" We give particular directions for the management of our *new*
" Affairs: Wherefore, in the first place, having heard of some *irregu-*
" *larities* in some of the factories of *either* Company, We do strictly
" enjoin, that *all our* affairs be transacted in Council, and ordered
" and managed as the Majority of Council shall determine, and not
" otherwise, upon any pretence whatsoever; and though we hope
" You'll all be unanimous in the pursuit of our *common interest*, yet
" if on any occasion it happens that your votes are equally divided,
" the same must be determined by *Lot*, as We by our Charter are
" directed in such cases to do."*

* No such letter was to be found in the Records at Madras. (Vide Vol. i. page 36.) it was therefore inferred to be private Instructions from the Managers of one Company to their Servants, how to conduct themselves in transactions with the Servants of the other: And it was also inferred, that there must have been *two Presidents*; but by the Records at the India House, it appears this letter was from the *Court of Managers*, directed to the Servants of both Company's, and that Thomas

This Order is clearly as inapplicable as the former; it was the *Temporary Act* of a *Temporary Government*, not the *Court of Directors* but the *Court of Managers*, AUTHORISED, under the Indenture Tripartite between the Queen and the two Companies, EXPRESSLY TO MAKE REGULATIONS DURING THE SEVEN YEARS, allotted for *perfecting* the *Union* between the Old and New Companies: The order, we see, was calculated, was expressly declared to be calculated, for that temporary foundation and establishment. It is not pretended, that the mode of decision prescribed in case of an equal division, was adopted as a standing rule. It cannot therefore be applied as expressive of the present rule of government. Nor is the general direction any thing more than a direction, not to transact the affairs of the Company out of Council, nor without the consent of a Majority of the Council. That is, it reserves its *negative* power to a Majority of the Council. But it does not take away his negative power from the President.

But, admitting these orders in the fullest extent of the forced construction put upon them, NO CONSTRUCTION of an *antecedent order* can be made to *contradict* and *set aside* the POSITIVE INJUNCTION of a SUBSEQUENT Order.

The first Commission of Government, after the perfect union of the two Company's, is to Governor Harrison, under date 22d. December 1710; it is conformable to the earliest Commission (which is to be found amongst the Records) from the Company to the Governors of Fort St. George. In this Commission, The Company,

Pitt, the Old Company's Governor of Fort St. George, was the *only President* there, John Pitt, the New Company's *President*, being appointed *Deputy Governor* of Fort St. David, so that the *two Presidents* were not both present.

“ Give

“ Give and grant, full power and authority, to rule and govern,
 “ unto the said President and Governor, and to the Council *afore-*
 “ *named*, or the major part of them, WHEREOF the said PRESIDENT
 “ to be always ONE.”

These Words, WHEREOF the said PRESIDENT to be always ONE, are preserved in the recent Commissions to the Governor of Bombay, but were first omitted in the Commission to Francis Hastings, as Governor of Fort St. George, under date, 19th December 1719. However the Court of Directors, in their letter of that date order, “ that Mr. Collet do surrender the Govern-
 “ ment to his said Successor, Mr. Hastings, immediately upon
 “ his arrival, that the *President* Mr. Hastings, with the rest of the
 “ Fort St. George Council, take upon them the management of the
 “ Company’s Affairs, *according* to the USUAL CUSTOM, and our
 “ STANDING RULES,” which demonstrates, that the Omission of those Words, WHEREOF our said PRESIDENT to be always ONE, was not meant to convey any Change in the Constitution. And the Commission of Government to Lord Pigot, does more than imply the same Authority to be continued in the Government; the Form of his Commission being, in that Respect, the same as Mr. Hastings’s Commission, 1719.*

In the Company’s letter, by the Grenville, dated 12th April 1775, removing Governor Wynch. The Court of Directors say, (par. 60) “ And as the *concurrence* of the Members of our Council,

* It is remarkable that this letter, accompanying Mr. Hasting’s commission, is the only instance I can find where the Court of Directors say more, than that they have given a *Commission* to such a person as Governor; perhaps the paragraph in the letter was inserted to save the trouble of copying the Commission after the omission was discovered.

“ in the breach of our Orders, renders them very undeserving of
 “ our favour; we should have proceeded to the like extremities
 “ with them, had we not been willing to hope that their future
 “ conduct may in some degree atone, &c.

The *Concurrence* of the members of Council surely implies, that the authority of the *President* is superior to a mere Member of Council, and without the *Negative* power in what is his authority superior? These Sentiments are still more strongly confirmed by the separate letter from the Court of Directors of the same date, (par 3.)
 “ We are convinced that success must in a great measure depend upon
 “ the wisdom of your Councils, the integrity and firmness of your
 “ Conduct and in no small degree upon the *seasonable exertion* of these
 “ *peculiar abilities*, for which your Right Honourable President is so
 “ justly and eminently distinguished.” And again in (Par 34.) They direct, in Case of Lord Pigot being prevented by death or otherwise from taking upon himself the Government and thereby from executing their orders and instructions relative to Tanjour, that “ in such case
 “ the eldest Counsellor for the time being do *take upon himself* the
 “ *administration* of our affairs, as *President* of our Council, ’till our
 “ pleasure shall be known; and that you fail not, under the above
 “ circumstances, to *concur* with *such President* in carrying our said
 “ orders and instructions immediately into execution.”

If *taking upon himself* the *administration* of the Company’s Affairs, can be construed to mean simply having a *Vote*, the Company’s directions would be highly ridiculous, for the senior Member of Council must have had *that of course*; and if no deference was due to Lord Pigot’s Opinion in Council over any other Member, in what manner was it possible for Lord Pigot to make a *seasonable exertion* of his *peculiar abilities*: and the repeated instances where the Court of Directors have removed the Governor SINGLY, testify in the clearest manner, that the Governor was considered to be *peculiarly responsible*.

It

It has been alledged that the powers contended for by Lord Pigot, are neither known in the constitution of the Company, nor authorised by Charter, nor warranted by any Orders or Instructions of the Court of Directors.

It must be obvious to demonstration that Lord Pigot's claim to a negative was known in the Company's Constitution, and was warranted by the Orders and Instructions of the Court of Directors from the earliest times, to the very letter which Lord Pigot carried with him to Fort St. George: It only remains to examine whether the power was not authorized by Charter. The 1st. Charter in which mention is made of the Council, is the Charter of Justice, 24th September 1726, but this Charter, as well as that of 8th January 1753, positively and expressly says, in almost every instance where the authority of the Governor and Council, or Major Part of them, is recognized, that the Governor shall always be one.

In the Charter of Justice, of 8th January 1753, the Instances where the Governor or Council are referred to, are seventeen,

Nine, The most important, prove that the voice of the majority of the Council is of no effect without the concurrence of the President, or in his absence of the Senior of the Council then resident (who is Locum-tenens)

In three, The administration of oaths, in the most important cases, is to be the act of the President alone, or in his absence of the two Senior of the Council then resident.

In one, It is to be the act of the President alone, or in his absence of any two of the Council.

In one other, it is to be the act of the President alone.

One, The 15th, authorises the casting vote on an equality of voices.

In the *two* last only, which are clearly the least important, an authority is given to the *majority*, without particularly expressing the *President* being *one*.

So far therefore are the *powers* contended for by Lord Pigot NOT *authorized* by *Charter*, that they are *expressly* and *positively* given by *charter*, in almost every instance where that charter has any reference to the *President* and *Council*.

Thus from the charter of Justice, from the Precedent of ancient times, without one instance to the contrary, and from the recent orders of the Company, Lord Pigot was confirmed in his opinion, that his commission conveyed to him this *negative power*. The *Council* are called *his Council*; they are appointed "to the end that He may be better enabled to order and manage all the affairs of the Company." The power and authority to rule and govern all the factors, &c. "are granted to him and *his Council* *aforenamed*, or the major part of *them*, (i. e. of those persons *beforenamed*;) all except the Chiefs of subordinate factories being duly summoned. To HIM and *his Council*, all the factors, servants, officers and soldiers are commanded to conform, submit, and yield due obedience." It could scarcely, one would think, be possible to suppose "Him and *his Council*" could mean *Him or a Council without him*:" or to put any other construction on *Him and his Council aforenamed*,* or the major part of *them*: than Him

* One author in this dispute, who pretends to write a *fair state* of the *Case*, quotes the Commission as delegating the power of government to the *President* and *Council* *AFORESAID*, or the *major part of them*. This would indeed be a direct contradiction to the powers claimed by Lord Pigot; but the word *AFORESAID* happens not to be in the Commission.

Him and his Council named in the Commission, or Him and the major part of his Council so named." Because to construe the words otherwise, would be to suppose his concurrence necessary to give validity to an act of the *whole* Council; and unnecessary to give that validity to an act of a *part only* of the Council.

Besides what has been already said, another standing order is proper to be attended to, "15th December 1676, *standing order* fol. 19. "If a *charge* be against *any* of the Council at the Fort, in *all such cases*, "during the examination. THE PARTY CONCERNED NOT TO SIT "IN COUNCIL; but if *any charge* be against the *Agent* (as the President or Governor was then stiled) "that it be exhibited also to the "Council, and *examined*, and copy thereof sent us, with the whole "proceedings thereupon, *that we may give you necessary orders therein.*" This standing order was produced, to prove that a President was not liable even to the *censure* of the Council; this happened but a few days before Lord Pigot was deprived of his Government, in open violation of this standing order, as well as of the Commission of Government which declared that he was removeable only by the Court of Directors.

Having stated the nature of the authority with which Lord Pigot was invested as the records at Madras defined them, it would be quite foreign to the purpose to recite what *orders* the Court of Directors have given to any other settlement; because orders directed to *one* settlement carry *no* authority in *another*;* If the *Company's orders* to *one*

* A Letter from the Court of Directors to Bengal dated 31st of Jan. 1776, per Lioness, has been quoted as conclusive against Lord Pigot; a Copy of this Letter did not reach Madras till long after Lord Pigot's Imprisonment. Nothing could be more *unjust* than to condemn Lord Pigot for not conforming to the words of a paragraph which *he had never seen*: The Letter is not directly to the point, but if it had, was of no authority at Madras; the two Governments were distinct in their Constitution;

one settlement have no authority in another; can the verbal reports of any person concerning what passed in Council at such other settlement be of authority? and indeed in that instance, on examination of the Records it is found, they are entirely different from the *Verbal Report*, having not the smallest relation to the *distinct authorities* of the *President*, and of the *Majority* of the *Council*, but condemn the President and part of his Council, merely for *disobeying* the *positive Orders* of the Company.

And having now amply stated the Nature of the Company's Constitution, and the purport of their Orders, the Public, I flatter myself, will be convinced that The concurrence of the President was necessary to constitute an Order of Council, or an Act of Government; and therefore that Lord Pigot who, by his Commission from the Company, could not be removed from his Office of Governor but by the Court of Directors, was engaged by EVERY law WHICH OUGHT TO BIND A SERVANT WHO HAS SWORN FIDELITY TO THE COMPANY* to support and maintain the Constitution of that Government entrusted to his particular management, against what appeared to him subversive of the authority established by the Company, and ruinous to their interest.

It

tutions, and the natural inference is, that, if the Company had thought proper to establish any new regulation at Madras, they would not have been entirely silent on the subject in their Letter to Madras by that very ship. At the same time it must be observed, that orders given on a particular event, where, on the first impulse, the impropriety appears flagrant, shall convey much more than would have been said had all circumstances been maturely considered: It is reported the letter by the *Lioness*, giving to the *Majority* of the Council in *BENGAL* the authority of adjournment, arose from a PRECIPITATE ADJOURNMENT of the Council by the Governor-General, when something was introduced that seemed to lead to a charge against himself or friends.

* Vide the accusation of the conspirators, where they allege Lord Pigot had violated every law, &c.

It may not be amiss also briefly to state a few circumstances, which may naturally be supposed to have urged Lord Pigot to refuse to assent to the opinion of the majority of Council concerning Colonel Stuart's proceeding to Tanjour.

Circumstances which probably urged Lord Pigot to oppose Colonel Stuart's proceeding to Tanjour.

When Colonel Stuart arrived at Madrafs he declared to me he was determined to conform himself in every thing to Lord Pigot's wishes; that he would not even take a Dubash without Lord Pigot's recommendation, as he was given to understand this was a matter of consequence: he said Sir Robert Fletcher was too fond of his pen; that he thought a soldier had nothing to do with writing; that for his own part He should not write six lines * whilst he was in India. He begged that if ever I saw him doing amiss, I would point it out to him.

After the consultation, wherein he was appointed to the command of Vellour, he said he wished he had spoke to me before *his banishment*; I asked what he meant *by banishment*? he answered, *being stationed at Vellour*; I replied, I could not see how he could consider it as a banishment, since the greatest part of his regiment was quartered there.

Some days after, at the Company's garden-house, he told me he had applied to the Governor to have a communication made to him of all the records concerning Hyder Ally, subsequent to those he had already got from the India-House: he having shewn me, at our first meeting, a copy of the Company's general letter to the President and Council, by the Grenville, which he told me he had brought with him from England.

He intimated, that Lord Pigot had no objection to communicating the records to him, and begged me to remind his lordship; I told him very frankly, that if it was proposed in council, I should object to it, as

* Or some such expression; I do not pretend to give the very words, though I believe they are nearly so.

M

I thought

I thought a military officer should confine himself to his military duty, and that he had nothing to do with political affairs; he said he knew what an officer's duty was very well, and this ended the conversation.— He very soon perceived that I was not the channel to promote any of his schemes that were not warranted by their propriety; and finding his application, through Lord Pigot, for the command of Tanjour, had not been successful, he thereupon estranged himself from his Lordship, and attached himself to Sir Robert Fletcher, and the party in council, whom Mr. Benfield's *Tankas*, or private claims on the Tanjour country, had *linked together*.

Colonel Stuart was reported to have undertaken the management of Mr. Benfield's concerns in the Tanjour country, and to intend carrying with him a relation of Comera, Mr. Benfield's Dubah, to whom the Rajah ascribed all his misfortunes: and whether these reports were true or false, they must have been very alarming to the Rajah.

Colonel Stuart was appointed to the command at Tanjour, in *opposition* to the *Rajah's request*, entered on the minutes of council, "that Colonel Harper might be continued in the command." Which *request* alone was sufficient reason not to remove an unexceptionable officer, who was particularly attentive to the religious prejudices of the natives, having obtained signal marks of their respect, in consequence of his restoring some idols which had been plundered from their Pagodas or Temples.

The strenuous endeavours of the Nabob to prevent Mr. Russell's appointment as resident at Tanjour, the great pecuniary offers he made to Mr. Dawson, *only to absent himself from Council*, that this appointment might not take place; the positive objection made by Lord Pigot's opponents in council, to Mr. Russell's proceeding to Tanjour, after he was appointed Resident, could not but be strong arguments for Lord Pigot to insist that he should proceed thither agreeable to that appointment,

pointment, since the majority's carrying that question was sacrificing all the Governor's authority, credit, and influence, at the shrine of the Nabob's will, and confirming the reports industriously propagated, that Lord Pigot had lost all his influence in council, and was soon to return to England ; reports which could not fail of alarming the Rajah.

I shall only add, that Lord Pigot has declared he was assured the majority had *bound themselves by oath to stand by each other!* This was surely a sufficient reason not to give way in one instance, as he then became *ONLY their instrument*, and would soon have been required to give the sanction of his name to every thing that could mortify and distress him, in hopes of driving him from that office, in which he could no longer serve the Company, or do honour to himself.

It had been discussed before the Council met what measures could be taken to support the government established by the Company, in case the majority should still persist in their resolution to come to no compromise, or reference of the matter in question to the decision of the Court of Directors, but to carry things to extremity. One mode occurred to Lord Pigot, viz by putting Colonel Stuart in arrest, if he obeyed an order without the Governor's concurrence: to this many objections arose, Colonel Stuart might contrive to receive the orders without the garrison, and consequently, by the new military regulations, not be liable to the Governor's arrest. If he was arrested the majority would of course refuse to issue a warrant for a court martial, and confusion and disgrace must be the consequence.

The only expedient that occurred to any of us, was to ground a charge, in case of making their declaration in the name of the *Council* instead of the *President and Council*: but here an apprehension arose, that they would see this impropriety, and express their order, not in the name of the *Council*, as they had hinted, but in the name of the *President*.

Measures settled by Lord Pigot and his friends in case the majority should persist *not* to refer the matter to the Court of Directors.

President and Council, maintaining that the majority constituted the efficient Board of *President and Council*: in this case we could devise no measure to be pursued consistent with the rules of the service; but Lord Pigot said there was no fear of this, as he insisted the secretary would not dare to issue any order in his name, when he forbade it.— It was impossible to know whether Sir Robert Fletcher would attend or not; it was necessary to have every thing prepared, that nothing might be to be done in council. The Company's orders required the charge to be in writing; the Governor, therefore, had in his pocket charges prepared for every probable contingency; whether they began at the eldest or the youngest, and whether the form was an Order *from themselves*, or an Order *to the secretary*, and whether Sir Robert Fletcher was present or not; it was agreed that the first of us, to whom the paper was presented for signing, should immediately hand it to the President, who was then to produce the charge. The standing orders directing, that members against whom a charge is made, should have no seat, the members charged were of course deprived of their votes. As our ideas went no farther than relieving the Governor from the compulsion the majority wanted to lay him under, it was determined to suspend no more than the necessity of the circumstance required; and I can answer for one, that I should readily have assented to have taken off their suspension, if they had agreed to Lord Pigot's proposition of referring the Matter to the decision of the Court of Directors. Let us now return to the proceedings in Council.

On the 22d August, to their minute the majority annexed some extracts from Mr. Vansittart's *narrative*, to elucidate their position that the Governor was bound to conform to the *opinion* of the Majority. To this I replied, that the reference to Mr. Vansittart's narrative, so far from "conveying any argument that the resolutions of Council ought to be carried into effect *against* the Governor's *opinion*, was the strongest argument that can be urged *against* the measure, as Mr.

Vansittart

" Vansittart's giving away brought the Company's Affairs to a most
 " *alarming crisis* *." To the allegation urged in debate, that " Mr.
 " Vansittart knew the Company's constitution as well as any man,
 " and that, therefore, his opinions had great weight." I remarked
 that Mr. Vansittart gave a *seat* in Council to Commodore Tinker, of his
 Majesty's navy, which was a most unwarranted unconstitutional un-
 precedented act, and that, therefore, his *opinions* could have *no weight*.

I think this a proper place to mention Lord Pigot's sentiments, as he
 had expressed them, in the draught of a letter to the Company, laid be-
 fore the Board on the 19th August. His Lordship, in debate, admitted
 that the President was generally required to concur with the majority
 of the Council for the carrying on the business of the Company
 without interruption; but, when he thought measures tended to the
 essential detriment of the Company, it was not only his *right*, but
 his *duty* to put a negative thereon; which, however, a President
 would not do, but in cases of necessity, *as he made himself solely re-*
sponsible.

" Your President thinks it proper on this occasion to observe, that
 " the preservation of order and propriety in government makes it ne-
 " cessary for the power of adjournment to be in the President; with-
 " out which a faction, with strong constitutions, by relieving each
 " other might force the President, who is obliged to remain in the
 " chair, into whatever measures they pleased. Was your President
 " to adjourn, to *evade any charge*, either against *himself* or his *friends*,
 " there might be ground of complaint, *not for the adjournment*, but
 " the *motive* of it. But in transacting the public concerns of your
 " government, if the members of the Council, instead of assisting your

* This was urged in debate at *the time*, but the written minute was given
 in at the next consultation.

" President with their advice, are to assume the reins, and determine
 " what is fit in their *private* meetings, and come to Council only to
 " dictate to your President, it is impossible for your affairs to escape
 " ruin. Your government must be supported.

" Your President thinks, he has a right to require of every mem-
 " ber of the Council an opinion upon such matters, as he may lay
 " before them; and therefore, that it is improper to admit of a pre-
 " vious question, which may deprive him of that opinion.

" The forms and rules of popular assemblies are not at all ap-
 " plicable to a council board; and, if they were introduced, instead
 " of promoting business, would impede it, and throw every thing
 " into confusion.

" Your President, from an attentive consideration of the commis-
 " sion of government, thinks his Council are appointed the better to
 " enoble *him* to manage your affairs. He thinks, that he can do no-
 " thing without a majority of his Council; and he thinks so great a
 " deference is due to that majority, as to require the President to con-
 " cur with them on ordinary occasions, but *not in disobedience to your*
 " *commands*. On the contrary, he thinks, his duty to the Company
 " obliges him not to concur with a settled majority, who uniformly
 " pursue measures ruinous to your interests, and *contrary to your*
 " *orders*."

Consultation
 22d August.

To return to the proceedings on the 22d. August. The president
 again recommended to let the matter in question rest.

This

This they refused, and in minutes, Messrs. Jourdan, Mackay, Palmer, Stratton, Brooke, and Floyer, declared their *opinions*, that the instructions to Colonel Stuart should be signed by the secretary, by *order of Council*, and sent to him immediately.

Not keeping any rule of seniority in these minutes, there was ground to suspect the plan settled could not be carried into effect: after these separate minutes they gave in a joint minute, calling on the President to direct that the secretary should sign the letters, and, on his refusal to give such directions, they, the majority, *looked upon themselves as authorized* to order him to do so.

This, being still matter of opinion, was no ground of charge: but the President, on perceiving this minute, declared that he would not give these orders to the secretary; and having intimated that he did not imagine the secretary would consider that, which was merely an opinion, as an order. They wrote the following letter. (Volume 1. p. 373.)

“ To Mr. Secretary Sullivan.

“ Sir,

“ We, the majority of the Board, having approved of the instructions to Colonel Stuart, and the letter to Lieutenant Colonel Harper; and the President not only having refused to sign them himself, but also refused to order you to do it; we are reduced to the disagreeable necessity of directing you to sign the said instructions and letter, by order of Council, and send them to Col. Stuart.

Signed,

“ George Stratton.

“ Henry Brooke.”

Fort St. George,

“ 22d August, 1776.”

“ As soon as the letter was signed by Mr. Stratton and Mr. Brooke,
 “ the President took the same into his possession, and taking notice to
 “ the Council of the frequent times he had entreated them not to carry
 “ this matter further, but to wait the determination of the Court of
 “ Directors, declared he would now stop it where it was, and deliver-
 “ ed in the following paper.

“ I charge George Stratton and Henry Brooke, Esqrs; of being
 “ guilty of an act subversive of the authority of government, and
 “ tending to introduce anarchy, in the signing orders to the secretary
 “ to give instructions to Colonel Stuart, which have not been approv-
 “ ed and passed by the President and the Council.”]

It is easy to be imagined that this charge produced the utmost confusion in the party, who had no suspicion of it, and thought they had every thing before them: agitated as they were with violent passion, it is not wonderful *their* account, of what passed on the occasion, is not accurate.

They allege that the President *snatched* out of Mr. Brooke's hand the letter to the secretary; they appealed to Mr. Russell, to me, and to Mr. Stone, in confirmation of this assertion; we declared, in a joint minute, “ we saw no impropriety in the manner the President took the paper signed by Messrs. Stratton and Brooke.” by way of proving that Lord Pigot *snatched* the paper out of Mr. Brooke's hand, they remark, that “ as he came from his closet prepared, it must have been his *intention* to *seize* the paper as soon as it was signed by as many of the majority as he wanted to get rid of.” Before the letter was signed by Mr. Stratton, Lord Pigot observed, that although he would not call upon Gentlemen for their sentiments on matters not before the Board, and which they might have many reasons for wishing not to give. This letter was intended

as a Publick *Act* in which every member was concerned: When Mr. Stratton had signed it, his Lordship took the paper and looked attentively at the signature. When Mr. Brooke was about to sign it, his Lordship very familiarly entreated him not to sign it; and every body having taken their places, when Mr. Brooke had signed it, his Lordship desired it might be handed to him: Mr. Brooke, perhaps not hearing he being *deaf*, withheld it, offering it to Mr. Floyer, who said to him, *Lord Pigot wants to see it*, or words to that effect: and from what his Lordship had before said, "that every member was concerned in *this Act*," it might naturally be inferred, that he meant to hand it over to Mr. Russell, who was next to Mr. Brooke in rank, and sat on the opposite side of the table.

When Lord Pigot had received the paper, he removed it from the quire, and, folding it up, put it in his pocket, taking notice of the frequent times he had entreated them to wait the determination of the Court of Directors; and, declaring he would now stop the business in that stage, took out of his other pocket *the charge*.

When the Charge was read there was the utmost confusion; the various members expressing their passions different ways: Mr. Mackay talked of calling in the military; some called to adjourn. Lord Pigot said, that having given a charge against two members, he, in pursuance of the Company's *Standing Order*, that "if a charge be against any of the Council at the Fort, in all such cases during the examination the party concerned not to sit in Council," moved, that they should *withdraw*: explaining himself, that he did not mean to leave the room, but only their seats at the Council Table.

Whether an *adjournment* was to be considered, or the *charge*, this undoubtedly in regularity was the *first step*: for members against whom a *charge* is made, are as incompetent to vote for an adjournment as on any other question.

Several of the Gentlemen proposing different things, and all that party being distracted and in confusion, some writing *minutes*, particularly Mr. Stratton, I observed that the proceedings were very irregular, and begged to know, whether it was meant to adjourn to give the Gentlemen *time* to make a *reply* to the *charge*; or whether, addressing myself then to Mr. Stratton, that paper he was writing was intended as a reply: He said he did not consider it as a charge, and that it did not deserve any answer: Mr. Russell had taken him aside to recommend to him to desire an *adjournment*; however, both the gentlemen declaring to the same effect as Mr. Stratton had done, the President then moved the Board to come to the following *resolution*.

“Resolved, that George Stratton and Henry Brooke, Esquires, be
“ now suspended from the Company’s service, until the Company’s
“ pleasure be known.”

When a question is moved by the President every member of the Council present is called on for his vote, beginning at the youngest. In this very day’s consultation they had given in a minute, declaring that *every member* should be *obliged* to give in his vote on *every question* proposed by *any member*.

The votes were taken regularly by the President on this occasion, beginning with the youngest member;

Mr. Mackay,

Mr. Mackay, against the resolution.

Mr. Jourdan, against.

Mr. Palmer, against.

Mr. Stone, for.

Mr. Floyer, against.

Mr. Dalrymple, for,

expressing my reasons in these words.

" I think the *Act* of Messrs. Stratton and Brooke, in signing *declarations* to the Secretary to *issue orders*, which no *officer* can, *consistently* with *his commission*, OBEY, is subversive of Government, and tending to introduce anarchy; I am *therefore* for the question."

Mr. Russell for the question.

The Secretary was then ordered by the President to take no vote from either Mr. Brooke or Mr. Stratton, on the question before the Board; as the " Standing Orders of the Company direct that no member shall sit in Council when a charge is delivered against him."

" The President ——— for the resolution."

" And as on casting up the votes it appears they are equal 4 to 4, the President desires it may be recorded, that besides his vote, he gives his casting voice for the resolution.

" Carried accordingly for the resolution, by the President's casting voice. ———"

The

The President then adjourned the Council till to-morrow morning at Eleven o'Clock.—

I am fully persuaded, that the persons who opposed the resolution were not sensible on what *ground* the *charge* was made, they thought it only a scheme to get rid of two members; without reflecting on the expression, *By Order of Council*: I do not believe any of them would even now defend *that expression*. It is always to be remembered, that Lord Pigot only required a *negative*; that he repeatedly *urged*, and they as peremptorily *refused*, to refer the matter to the Court of Directors; that no *other mode* could *then* be devised, or has *yet* been pointed out, by which the President could maintain the authority delegated to him by the Company. It has been alleged that *two* persons should *not* have been joined in *one* charge; but their offence was exactly the same, and if the charge had been against *one only*, it must have been nugatory, as it would be ridiculous to suppose any man would *condemn another*, who was exactly in the same situation as himself: and in the criminal courts, where the utmost tenderness is shewn to culprits, if *two* or more persons are accused as *principals* in the commission of the same murder, or of writing and publishing the same libel, they are included in the same indictment: whether the question had been put upon each singly or both together, was a circumstance which neither did nor could make the minutest alteration in the event, or deprive them of any advantage in making their defence: No man has yet pointed out another method by which the faction could be broken; a faction who had repeatedly and obstinately refused to refer the matter to the Court of Directors, who were alone competent to decide, but insisted on assuming all the power of government to themselves: If to a measure which tended to effect an event so desirable and important, no greater objection can be made, than the non-ob-

fervance

servance of a doubtful point of order. I persuade myself the candid publick will dispense with any further defence of the measure. The charge *might* have extended to *all*, instead of being limited to *two*; if *all* had *signed* the letter, but it was an act of *lenity* to *stop* it as soon the preservation of the *Constitution* admitted it to be *stopt*: Nobody made any objection at the time to the *two* members being included in *one* charge, nor against the President's casting voice, which was universally acknowledged to be the constant practice of the service. The objections made were *general* to the *charge*, not to the want of *form* in any part of it; had the gentlemen against whom the charge was made required time to answer, it cannot be doubted that time would have been granted to them; Mr. Russell had recommended it to Mr. Stratton, and I had asked if it was proposed to adjourn for that purpose; but they declaring that they did not consider it as a charge, and that it deserved no answer; surely the President would have acted absurdly, had he adjourned to give them *time* which they did not require. Nothing can be more in point than the sentiments of Messrs. Stratton, &c. on their suspension of Mr. Munro, as expressed in par. 39 of their letter to the Court of Directors, viz.* “the mode of proceeding laid down for the trial of offences committed by your servants, is, to furnish them with a copy of the charge against them “in writing, and to give them a reasonable time to answer it. But this “can only be observed in cases where the party may deny the accusation, “and make it necessary to produce proof: IN THE present INSTANCE

* Vol. II. p. 265.

"the FACT was acknowledged and AVOWED by the PARTY HIMSELF;
 "no further proof was required."

The minutes of some of the members, obtruded into the consultation of 22d August, stand refuted by themselves, for they declare the President, "AS SOON AS HE EFFECTED HIS DESIGN, adjourned the Council, although the members of the majority then staid, and refused to consent to it."

It is true that as soon as the resolution was passed for suspending Messrs. Stratton and Brooke the President *adjourned* the Council, but it is *not true* that the *members* of the *majority* staid and *refused to consent to the adjournment*; unless by the ambiguous expression of the *members of the majority*, they mean the *members of the former majority*: if they mean to include Mr. Stratton and Mr. Brooke, I admit the members of the majority were *THEN against the adjournment*, although some of themselves had before *proposed to adjourn*. But if they mean the *MAJORITY of the Council PRESENT*, I am sure they were for the *adjournment*; the minds of men being too much inflamed to have allowed them to transact any ordinary business, had it not been late in the day.

After the suspension of Messrs. Stratton and Brooke the following general order was published. (Vol. I. p. 376.)

Fort St. George, 22d August 1776.

"The Right Hon. the President and Council having thought it
 "necessary to suspend George Stratton and Henry Brooke, Esquires,
 "from the Hon. Company's service, the honours of *second* on the
 "coast

" coast devolve on Claud Russell, Esquire, who is to receive them,
" AND BE OBEYED * accordingly.

" By Order of the President and Council.

(Signed) R. J. SULLIVAN, Secretary."

This minute relation may appear tedious; but I cannot conceive it will be deemed unnecessary to state every circumstance particularly; and the Publick will see that it is a plain unvarnished tale, where nothing is kept back from their knowledge. A publick notification having been made in the proper form, in general orders, of the suspension of Messrs. Stratton and Brooke, Col. Stuart and every officer in garrison was acquainted that those two persons were no longer vested with any authority. The army were not the competent judges of the propriety of that suspension; they were not even to be made acquainted with the *grounds* for which they were suspended; and it was only on account of the military honours, and military command of the garrison, in the Governor's absence, which devolved by that event to Mr. Russell, that the suspension of a civil servant came to be notified to the army.

On the 22d August the following summons was issued.

* These words, and be *obeyed* accordingly, are omitted in the printed copy; published by the Court of Directors, but the *original order*, without erasement or interlineation, signed by the Secretary, is in my possession. I shall not *comment* on this omission.

To

To Claud Russell, Esquire, Sir Robert Fletcher, Alexander Dalrymple, Charles Floyer, John Maxwell Stone, Archdale Palmer, Richard Lathom, Francis Jourdan, and George Mackay, Esquires,

Gentlemen,

" The Right Hon. the President desires your attendance in Council to-morrow morning at 10 o'clock, in the Fort House.

I am respectfully, Gentlemen,

Your most obedient, and most humble Servant,

(Signed)

R. J. SULLIVAN, Secy.

10 o'clock. Thursday.

On the 23d. August.

When the Council met, Mr. Lathom, lately come up from Cuddalore, took his seat at the Board.

Lord Pigot's antagonists have taken particular notice of Mr. Lathom being summoned to Council *now*, for the *first time*, though he had been arrived from Cuddalore some days: It may, therefore, be proper to explain this matter. The usual summons is directed to the *Gentlemen of Council*: the officer, who carries this round, knows he is to shew it to all the Members of Council present on the spot. Mr. Lathom, as a Member of Council, was included in every antecedent summons; but his reason for not attending Council was very honorable to himself; he was ignorant of what had passed in Council, and the few days he had been at Madras were occupied in examining the proceedings, that he might come informed to Council, before he was called upon to act.

as a member of the Board. Messrs. Stratton and Brooke having declared they did not consider themselves as *suspended*, (notwithstanding their own friends had regularly, and in form, given their votes in council upon the question, which was also regularly, and in form, decided by the President's casting vote) it must be apparent it was necessary to summon the actual members by name; and thus Mr. Lathom came by name to be summoned; and being summoned by name, it became his duty to attend.

The President then informed the Board, that Mr. Bromley, a notary publick, had put into his hands the following paper, which he declared to be a protest.

“ To the Right Honourable Lord Pigot, President, &c. Claude
 “ Russell, Alexander Dalrymple, and John Maxwell Stone,
 “ Esqrs. of Council at Fort St. George.

“ My Lord and Gentlemen,

“ We, whose names are under-written, being of Council, and constituting a majority hereof, taking into our most serious consideration the proceedings upon record at the two last meetings, and more particularly the unexampled outrage offered to the constitution, and arbitrary behaviour towards two of our members, by an illegal attempt to suspend them, in order by a trick to get a majority, are of opinion, that the public safety is in danger by the conduct of Lord Pigot, and you gentlemen, who have supported, and by every person, who shall continue to support such measures; and we *shall hold you therefore responsible for all the consequences* that may ensue.
 “ *We the majority of the Board do consider ourselves as the only legal representatives of the Honourable Company under this Presidency*, and as such we have no doubt all the servants of the Company will regard
 “ us.

Q

“ For

“ For these reasons, and the *evident* ILLEGALITY of the *summons* to
“ Council for this morning, in *which* are *omitted* the *names* of Mr.
“ George Stratton and Mr. Henry Brooke, *two legal members* of the
“ Board we cannot, consistently with the duty we owe our Honour-
“ able Employers, attend the said summons. We are,

“ My Lord and Gentlemen,

“ Your most obedient humble servants,

(Signed)

“ George Stratton,
“ Robert Fletcher,
“ Henry Brooke,
“ Charles Floyer,
“ Archdale Palmer,
“ Francis Jourdan,
“ George Mackay.”

A few remarks are necessary on this letter; no notice is taken of Mr. Lathom, whose name was in the summons, because by leaving him out, they *appear* a *Majority*, exclusive of Messrs. Stratton and Brooke; but had Mr. Lathom been mentioned, they were no longer a *Majority*; the members present at Messrs. Stratton and Brooke's suspension, were,

For the question:

Lord Pigot,
Mr. Russell,
Mr. Dalrymple,
Mr. Stone.

Against the question:

Mr. Floyer,
Mr. Palmer,
Mr. Jourdan,
Mr. Mackay.

Sir Robert Fletcher and Mr. Lathom were absent.

The

The Company's commission of government orders, that all members of council, except those absent as chiefs of subordinate factories, shall be summoned; and the President and *Majority* of the Council *present*, all being duly summoned, constitute the government. The idea, that *suspended members* shall be *summoned to attend*, is ridiculous. Had Sir Robert Fletcher, and the other members, who were summoned to attend next day, thought the suspension against the *rules* of the Company, they ought to have attended Council to have discussed that point. They could not divine Mr. Lathom's opinion, without whom they were not *even a Majority*. By their *non-attendance in Council* all the *legal authority* of the Company devolved on the President and the majority of the members who were present: And had they been actuated by a spirit of resentment, the letter was sufficient ground for suspending the whole: but neither the President, nor any other person shewed the least desire to carry matters farther than was absolutely necessary for the Company's interest, and support of their established government. No notice therefore was taken of the letter, as it could not have been taken into consideration without proceeding further; and it was understood, as the general sentiment, that they should be summoned to Council again on Monday, that being Friday, by which time it was supposed, some at least of them would be sensible of the impropriety of their letter, and, making such acknowledgement as was becoming on the occasion, return to their duty in council.

Having traced every step of the President and Council in this matter, it is requisite to pay attention to the proceedings of those members who had seceded from the Council.

Their proceedings have been published by the Court of Directors, (in Volume 1. Page 385.) from the papers transmitted by themselves.

It appears they met, together with Messrs. Stratton and Brooke, on the 23d August, in the morning, and came to a resolution in the following words : “ Agreed by us, seven members, constituting a majority of the Council of Fort St. George, and its dependencies, that the following letter of protest be immediately sent to Lord Pigot, *President* and GOVERNOR, and to Messrs. Russell, Dalrymple, and Stone, THREE OTHER MEMBERS of the Council at this Presidency.” Then they enter the letter before recited : they add, “ It being deemed necessary that the letter of protest be delivered into the hands of Lord Pigot, &c. by a notary public, in his official capacity, Mr. Charles Bromley was accordingly sent for ; and the said protest, being first duly signed, was delivered to him for the before-mentioned purpose.

“ The aforesaid members, constituting a majority of the Council of Fort St. George, judging it necessary to inform the Governor-General and Council at Bengal, of the *present distracted state* of the Honourable Company’s affairs under this Government, it is unanimously agreed to address them in manner following, and to convey this dispatch to them by the Honourable Company’s ship Shrewsbury, which is to sail this morning for Bengal, under cover of the packet NOW TRANSMITTED TO THAT PRESIDENCY, by Commodore Sir Edward Hughes ; the COMMODORE HAVING SIGNIFIED TO US THAT HE WOULD DO SO.

The Shrewsbury had been dispatched, and was sailed for Bengal ; but remaining in sight, Sir Edward Hughes sent to Lord Pigot to beg he would order a *signal to be made* for the detention of this ship, which was done accordingly ; and the Captain ordered to wait for Sir Edward Hughes’s dispatches.—It is unnecessary to add, that Sir Edward did not intimate to Lord Pigot for what purpose he begged this favour.

It may easily be conceived, that the Letter to Bengal was *not* an *impartial recital* of the state of affairs; it is therefore unnecessary to take further notice of it, except with respect to *one circumstance*; towards the conclusion they say, "It is necessary to inform you, that AS " LORD PIGOT'S VIOLENCE HATH OBLIGED US TO REMOVE FROM " THE FORT." Their letter is dated MADRASS; which shews that *they considered* the PLACE, where they had taken refuge from their imaginary apprehensions, to be still MADRASS.

They have not, in their proceedings, taken any notice of ordering the Notary Publick to circulate their letter in the garrison.

The next record is of the *utmost importance*, both in MATTER and in TIME, it is the CONSPIRACY to *subvert* the *legal government* of the settlement, and, by an act the most violent, to *seize* the *Fort* and imprison THEIR GOVERNOR.

" At a Consultation, 23d August, 1776.* (Vol. I. p. 390.)

Present,

" George Stratton, Esq;	Sir Robert Fletcher,
" Henry Brooke,	Charles Floyer,
" Archdale Palmer,	Francis Jourdan,
" George Mackay.	

" Resolved, that a *sense* of the *publick danger*, and a regard for the
" *constitution* of the Company, have *obliged* us in *this manner* TO FORM

* They have alleged in their letter of protest, that the omission of Messrs. Stratton and Brooke's names in the summons, made that meeting of the President and Council *illegal*. Here they hold what *they deem* a *LEGAL Consultation*, without *summoning* ANY of us, although they had not at that time taken it into their heads: *even* to SUSPEND us in their *Mock-Council*.

R.

OURSELVES

“ OURSELVES INTO A COUNCIL, *since the letter addressed by us this*
 “ *morning*, as entered in the diary, *have* * *had no effect*. That we
 “ propose therefore regularly to assemble, and watch over the public
 “ safety, and the important concerns of the Honourable Company
 “ *intrusted to us* † as the undoubted majority of the Council.

“ That the first *concern* that comes under our consideration is, that
 “ the *Fortress* and *Garrison* of Fort St. George be in *our hands*, and
 “ under *our command*, as the legal representatives of the East-India
 “ Company; and as Lord Pigot, from his late conduct, has *dared to*
 “ *violate every law* which ought to bind a servant who has *sworn fide-*
 “ *lity* to the Company: UNCERTAIN AS WE ARE TO WHAT FURTHER
 “ EXCESS HE MAY PROCEED, We THINK IT *our duty*, if NECESSARY,
 “ to *arrest his Person*. That for these purposes we hereby order, in-
 “ struct and empower Colonel James Stuart, on whom, during the
 “ unhappy indisposition ‡ of Sir Robert Fletcher, we *confer the com-*
 “ *mand* of the *army*, as well as of THE GARRISON of Fort St. George,
 “ during the *present danger*, to take *such measures* as TO HIM *shall ap-*
 “ *pear proper*, to place the *Fort, Garrison* and FORT HOUSE under *our*
 “ *command*; so that publick *tranquility* may be *restored*, and the *busi-*
 “ *ness* of the Honourable Company be carried on in the *usual manner*.
 “ That we further order and direct Colonel James Stuart, if he *sees*
 “ *it necessary*, or that resistance § to these our orders to arrest the
 “ person of Lord Pigot, or of any other person who shall obstruct
 “ him in the execution of these our orders; and for these *salutary*
 “ *purposes*

* So in the original.

† Who just before have declared, we have FORMED OURSELVES into a Council.

‡ Notwithstanding this indisposition, Sir Robert came into the Fort the night Lord Pigot was seized.

§ Some word wanting, but so in the copy printed by the Company.

“ *purposes* we hereby order all the Company’s servants, civil and military, and all persons who live under the protection of this government, to give to the said Colonel James Stuart every assistance and support in their power, for which THIS shall be HIS and their *warrant*. Given under *our hands*, MADRASS the 23d August 1776, at THREE o’clock, P. M.”

This is the *only order* to Colonel Stuart which has been produced: upon this order, from men in the *very order* declaring themselves SELF-FORMED INTO A COUNCIL, Colonel Stuart seized HIS GOVERNOR: An order *no where* POSITIVE to *seize Lord Pigot’s person*; declaring only that they *think* it *their duty*, if NECESSARY! *no where* declaring that it *was necessary* even in their opinion! but leaving Colonel Stuart entirely to his *own discretion* to judge of *that necessity*. An order vesting Colonel Stuart with the command of the *garrison* of Fort St. George; for which Lord Pigot, as Colonel Stuart well knew, held a special commission from the Company. An order dated at *Madrafs*, which is expressly within the limits of Lord Pigot’s military authority, as *Commander in chief*, by the Company’s commission; an authority which they themselves recognize in their letter to Sir Edward Hughes of 26th August, declaring “ Lord Pigot, from his commission and local residence, was commander of the fort and garrison.” An order on premises *absurd*, or *notoriously false*. Absurd! as grounded on their protest having had *no effect*; a protest in which they *only* gave an *opinion*, and declared they from that opinion would not attend Council; in which Council, wherein they did not attend, no act of any consequence was done: absurd also! as grounded on their being UNCERTAIN to *what* EXCESS Lord Pigot MIGHT *proceed*. Notoriously false! declaring the motives to be, “ that *public tranquility may be* RESTORED,” and the business of the Company “ carried on in the *usual manner*.” The *public tranquility* not being *disturbed*! and the *usual manner* of carrying on the Company’s business *not* having been, by *an appeal* to the *military*,

military, to whom they delegated a dictatorial power!†

I shall postpone any further reflections for the present, and return to the proceedings of the President and Council, (vol. 1. p 584.)

“ Friday, 23d August, 1776, at FOUR o’CLOCK.

“ The Town-Major having waited on the Governor whilst at dinner,
“ with a letter to him from Charles Bromley, notary publick, sent by
“ direction of Sir Robert Fletcher, Charles Floyer, Archdale Palmer,
“ Francis Jourdan, and George Mackay, Esqrs. of Council, and
“ George Stratton, and Henry Brooke, accompanying copy of the
“ papers signed by them, and delivered to the President; in the
“ EVENING the Governor desired Messrs. Russell, Dalrymple, Stone,
“ and Lathom, to accompany him to the consultation-room, to deli-
“ berate thereupon : accordingly, the secretary attending, the letter was
“ read*.

“ To Captain Robert Wood, Town-Major, of Fort St. George.

“ Sir,

“ I am directed by George Stratton, Esq; Sir Robert Fletcher, &c.
“ Gentlemen of Council at Fort St. George whose names are affixed
“ to an attested copy (herewith sent) of a letter by me delivered this
“ morning

† The dangerous tendency of calling in the Military to decide, in a *summary* way, on disputes in Council, and on the sense of the Company’s orders, needs not be pointed out.

* In the papers printed by the Company there are very many material omissions, and some mistakes; I was refused access to the records at Madras, and therefore would not sign these minutes; I, however, refer to the minutes as they are published; but this reference is not to be understood as an implicit confirmation of them. The notary publick’s letter is omitted; I have supplied it from the original.

" morning to the Honourable George, Lord Pigot, President, &c. Claud
" Russell, Alexander Dalrymple, John Maxwell Stone, Esqrs, of Council
" at Fort St. George, to serve the same upon you, of which you will
" please to take notice : and am,

" Sir,

" Your most obedient humble servant,

(Signed) " CHARLES BROMLEY,

" Madras, 23d Aug, 1776.

Notary Public.

" Mr. Bromley, the notary publick, being sent for and asked by
" whose authority or orders he circulated these letters, declares to the
" Board that it was in consequence of the *positive directions given*, at Sir
" Robert Fletcher's house, to him as notary publick, by *all* the gentle-
" men who subscribed the paper delivered by him this morning to the
" President, and declared he would be ready to attest the fact when-
" ever called upon.

" The Board, considering this act as tending to excite and
" cause mutiny and sedition amongst the troops in this garrison, re-
" solved to order Brigadier General Sir Robert Fletcher into arrest,
" and to try him for being concerned in circulating letters tending to
" excite and cause mutiny and sedition among the troops in this garri-
" son ; in consequence of which the secretary is now directed to issue
" the following orders.

" To Sir Robert Fletcher, Brigadier General, &c.*

" I am directed by the Right Honourable the President and Council
" to acquaint you, that they hereby order you in arrest, for being

* In the proceedings of consultations, p. 381, as published by the Company,
this letter is *omitted!* can it be *accidentally*? it is however inserted p. 590.

“ concerned in circulating letters tending to excite and cause mutiny
“ and sedition among the troops in this garrison.

“ Signed by order of the Right Honourable the President and Coun-
“ cil, this 23d day of August, 1776*.

“ R. J. SULLIVAN, Sec.”

The following general orders were also given out.†

“ The Right Honourable the President and Council having been
“ pleased to order Brigadier General Sir Robert Fletcher in arrest for
“ being concerned in circulating letters tending to excite and cause
“ mutiny and sedition among the troops in this garrison, Colonel James
“ Stuart is ordered to take upon him the command of the troops under
“ this Presidency, and all reports and returns are to be made to him ac-
“ cordingly.

By order of the President and Council.

“ *Fort St. George,*
“ *23d. Aug. 1776.*

(Signed)

R. J. SULLIVAN, Sec.

The behaviour of the other members in circulating these papers re-
quiring an immediate determination, it was “ Resolved, unanimously,
“ That Charles Floyer, Archdale Palmer, Francis Jourdan, and George
“ Mackay, Esqrs. be suspended from the Company’s service, till
“ the Company’s pleasure be known; and agreed that the following
“ letter be sent to each of those Gentlemen.

“ Sir.

* The Secretary’s name is here omitted; (P. 590.) the original, with his name, was produced at the Westminster Quarter Sessions by Mr. Wood, who was summoned to attend as a witness, on a charge against Lord Pigot for false imprisonment of Sir Robert Fletcher; but the Jury, on seeing this order signed by the Secretary in the name of the President and Council, immediately rejected the complaint.

† The Order has been collated with and corrected by a copy of the General Orders taken from the Orderly Book of the Garrison.

" Sir,

" The President and Council, unwilling to proceed to extremity,
 " were inclined to give you some time to consider the impropriety of
 " your conduct, in delivering, by the hands of a notary publick, this
 " morning to the President, a paper tending to subvert the authority
 " of government; but finding that you have since then united in cir-
 " culating that paper to the officers of the main guard, and many other
 " officers in this garrison, and to the Commander of the Company's
 " ship London, as well as to the secretaries of council, they think
 " they cannot, consistent with their duty to the Company, delay sus-
 " pending you from the Company's service: and they have accordingly
 " suspended you therefrom until the Company's pleasure be known.

" Signed, by order of the President and Council;

R. J. SULLIVAN, Sec.

Having now given a full account of the proceedings of the President and Council, as well as of the Conspirators; let us return to Col. Stuart.

Mr. Andrew Stuart has taken great pains to inculcate, that the odium so generally bestowed on his brother Col. Stuart, was the consequence of misrepresentations in the first accounts of his conduct.

I flatter myself that the candid public will, on an impartial review of the *first accounts*, be satisfied, that, so far from *traducing* Colonel Stuart, they contain no *essential mistakes*, and that every *material circumstance* will stand supported, either by the testimony of Lord Pigot, of *more* than *one* of his friends, or of Colonel Stuart himself.

Mr. Andrew Stuart p. 21. *insinuates* that my letter from Alexandria had misrepresented Col. Stuart's conduct; page 24 he says, there were in the accounts *first circulated*, " circumstances of friendship and con-
 " nexion between Lord Pigot and Colonel Stuart, and of *treacherous*
 " *deceits*

“ *deceits* practised upon his Lordship.”

One art of a *great writer* is to deal in inuendo, and to leave the reader to apply to *one person*, what may relate to *another*, or to *nobody*. My letter from Alexandria being avowedly written from memory, and without access to any papers, it is rather wonderful that I have made *so few* mistakes, than that I have made *some*: I had indeed, at Cairo, read Lord Pigot's letters &c. which recalled matters so circumstantially to my memory; But this insinuation of “circumstances of friendship and connexion, “circulated in the *first accounts*,” cannot relate to *my letter* from Alexandria; for in Par. 8. (vol. 2. p. 5.) I say, “Colonel Stuart having found that “Lord Pigot's protection would not be so profitable to him as the countenance of the adverse party, *estranged himself* TOTALLY from Lord “Pigot, and attached himself to Mr. Benfield, &c.” and what he means by *first accounts*, unless he refers to that letter, I cannot divine.

In my letter from Alexandria, written, as before observed, from memory, without access to any papers, I have said, Par. 13. “In the “evening, at the Fort House, Colonel Stuart, in the presence of Mr. “Russell myself Mr. Stone and Mr. Lathom, strenuously urged “delay till next morning, but at last assured Lord Pigot, upon *his* “honour, that he would that night issue to the out garrisons the order “of Sir Robert Fletcher's being under arrest, if we would order the “Tappies to be detained, which was done accordingly. His Lordship “was deceived by the candour of his own disposition, and had no “suspicion of Colonel Stuart's villainy, *who was only amusing him till it “was dark*; Colonel Stuart *having at this time* an order in his pocket, “signed by *himself*, to Captain Lyfaught, for conveying his Lordship a “prisoner to the Mount.”

Mr. Andrew Stuart says, “with regard to the proposed supper at “the Garden House, on the evening of the 24th, *which did not take “place*, it was at *first positively asserted* in *this Country*, that Colonel “Stuart

“ Stuart had *invited himself* to *that supper*, and much emphasis was put upon that, as well as upon the other supposed self-invitations; but it *has since* appeared from Lord Pigot’s own letter to the Directors, dated the 3d of September 1776, that the invitation came from his Lordship, *whose Words in that letter are*, “ After dinner I invited him to supper at the Company’s Garden House, which invitation he accepted.”

In my letter from Alexandria Par. 14. I say, “ Lord Pigot went with Colonel Stuart, *he having asked* his Lordship to *convey* him to the “ Company’s Garden House to *supper*.” Whether these words were or were not construed to mean, that Colonel Stuart had *invited* himself to *supper*, I shall not enquire, because it is of no consequence; the TREACHEROUS SELF-INVITATION was to a Seat in Lord Pigot’s CHAISE! NOT to a *supper* which he had determined Lord Pigot should never see: And the testimony of *this fact* Mr. Andrew Stuart, with infinite candour, passes *over in silence*, though the words of Lord Pigot’s letter immediately following those he has quoted, are “ at the same time acquainting me *that he had no conveyance*, he REQUESTED I WOULD TAKE “ HIM WITH ME IN MY CHAISE ” And Colonel Stuart himself says Lord Pigot had *agreed* to drive him to the garden house in his chaise: this proves the *request*.

As to the dinner on the 24th Mr. Stuart says, “ the fact is, that “ Colonel Stuart went there by invitation; ” Lord Pigot declares Colonel Stuart invited *himself*; I agree with Mr. Stuart it is really of little consequence; but not for the reason he assigns, for the Governor does NOT “ keep an *open table* for the *Officers*, and in general for every person of a certain rank,” nor are the partakers of the Governor’s dinner “ always so *very numerous* that it is no mark of particular intimacy or “ friendship for a man either to be invited, or to *come uninvited*, upon “ such occasions.”

Strangers have frequently a *general invitation*, but the Governor, at least Lord Pigot, never kept an *open table* at dinner: at breakfast the

table was open, and the Governor generally invited all who breakfasted with him; but if he did not *invite them*, they did not go to dinner; None but *intimates* came *uninvited*: Unquestionably an *impudent fellow* may have *intruded* himself, but had Lord Pigot perceived any person doing so, he would not have been wanting to take proper notice of the intrusion. Sometimes the Company were very few, and I have dined at Lord Pigot's table during both his Governments, with not more than half a dozen persons in company,

In reply to Mr. Capper's letter, published by the Court of Directors, I wrote a letter to them 24th May 1777, which I desired they would also publish. In this I took notice of Mr. Capper's allegation, "that my letter is calculated not to *inform* but to *mislead* those who "may give too much credit to it," and observed "the only mistakes I "yet know* in that letter from Alexandria were in the quotation of a "letter from the King of Tanjour, using the word *obstinate* for *fickle*, "and Colonel Stuart's words when he seized Lord Pigot by the arm "and said, Go, Sir; or, Go out, Sir, instead of GET OUT; but the "rudeness of the manner of his address is strongly confirmed by his "seizing Lord Pigot by the arm. It does not become me to determine whether most confidence is to be placed in the relation of "Lord Pigot or of Colonel Stuart; but I must observe, that Colonel "Stuart's own relation does not contradict Lord Pigot's in any essential circumstance.

"In Par. 9, he accuses me of a *shameful misrepresentation* of Col. "Stuart's conduct; I leave you to judge of the *fidelity* of my *relation* concerning Colonel Stuart, by referring to Lord Pigot's letter "of

* I find I have made another mistake, by supposing he had in his pocket the order to Capt. Lyfaught to carry Lord Pigot a prisoner to the Mount, when he begged in the Consultation-room that he might be allowed to see the proceedings, to enable him to judge as an honest man, and to act according to his conscience: it appears he had at that time delivered this order to Capt. Lyfaught.

“ of 3d September 1776, (Vol. II. p. 24) and to Colonel Stuart’s
 “ own Reports, Vol. I. p. 417, and Vol. II. p. 239) the *only word*
 “ that I think *improper* in my letter concerning Colonel Stuart (except
 “ the expression which I corrected in the Memorandum I transmitted
 “ to you from Marseilles) is the word *villainy* instead of *treachery*; not
 “ that I think the English language has an expression too strong for
 “ his behaviour, but because I think it an improper word to use in
 “ an address to you.”

I hope the imputation of misrepresentation will be my apology for this quotation; which otherwise would have been unnecessary, as it is proper to give fully Lord Pigot’s own account of the whole transaction, to which I shall add a few notes. I shall follow Lord Pigot’s narrative as the most explicit, though not essentially different from his Lordship’s letter to the Company; I the more readily follow the *narrative*, because this is the paper falsely attributed (p. 21) to Mr. Russell, and alleged to have been “*printed with great secrecy in India*” “*TO BE FORWARDED TO THIS COUNTRY,*” although Lord Pigot had sent copies in MS. to several of his friends in England, and had intended it to be printed for the information of the Proprietors of India Stock, having given me a short address to the Proprietors to have accompanied it, and I can with confidence say there was *not a line* of the Narrative written by Mr. Russell.

Soon after Lord Pigot’s imprisonment he related the circumstances to me and others; I immediately after wrote down with pencil the substance of what he had said; this he afterwards amplified and corrected; these scraps of paper, written in pencil, I have either mislaid or destroyed, but recollect to have seen them since my arrival in England; and I still have another paper, giving the relation, in which some words, even of diction, are altered by Lord Pigot himself, so that nothing can be better established than this, to be his Lordship’s *own Narrative*.

Lord

Lord Pigot, after giving an account of Sir Robert Fletcher being put under arrest, says,

" I sent for Colonel Stuart, who came and supped with me in the *fort house*; as I did not think it prudent, under such circumstances, to go out of the garrison to supper.

" In the morning early, Colonel Stuart sent his nephew Mr. Basil Cochran to me, to know whether I breakfasted in the fort or at the *Garden-house*, that he might wait on me *for my commands*, I replied, that I would do either, as was most agreeable to Colonel Stuart: Mr. Cochran returned with an answer, that Colonel Stuart would wait upon me at the *Garden-house*, if agreeable: In my way thither, I stooped my chaise at Colonel Stuart's door, when he told me he had appointed Colonel Edington to meet him at the drill, and would be at the gardens in about an hour: He accordingly came thither to breakfast, and acquainted me at the breakfast-table, that the men were very perfect in their new discipline, and *he hoped soon to be able to shew them to me.*†

" After breakfast he told me, *if I would give him leave he would dine with me*: and he gave me the following letter.

" The Rt. Honble. Lord Pigot, &c.

" My Lord,

Fort St. George, August 24, 1776*.
Saturday morning 7 o'clock.

" As I am very imperfectly informed of the steps which have led to
" *the honour conferred upon me yesterday*, and not thinking myself entitled
" *led to a seat in Council* as matters are at present circumstanced, I
" hope

† Adding, whenever Lord Pigot would appoint a day: Col. Stuart was very familiar, and joked about Mrs. Edington, who, he said, had promised to take him for her second husband.

* Vide Col. Stuart's report, p. 83, by which it appears he had before this time formed his plan for seizing the Governor's person.

" hope it will be agreeable to your Lop. to allow me this day [and
" to-morrow†] to peruse the consultations and other papers passed in
" Council on occasion of these unhappy differences. I doubt not but
" Your Lop. will find this request reasonable; *because the practice of the*
" *service gives such information to the person commanding the forces, from*
" *his seat in Council.*

" I do not desire to put your Lop. to the trouble of ordering copies
" for my use. The Sect^y. need only point out to me what is necessary
" for my information; for I wish to act from information, so as to do
" my duty to my employers, according to my oath of fidelity, for
" the public service and with honour to myself.

" I trust therefore your Lop. will be *pleased to agree to this request,*
" before I am called upon to execute any public act by authority. I
" have the honour to be most respectfully,

" My Lord,

" Your Lop.

" Most obedient and most humble servant,

(Signed) " JAMES STUART." *

" I told Colonel Stuart, that I had not the smallest objection to his
and the whole world's having every information; that his not having
a seat in Council required this civility the more; but that I could never

† The words within [] erased.

* Lord Pigot shewed this letter to Mr. Russell and me after breakfast; we
agreed that it had a very suspicious appearance, but his Lordship thought it was
only meant by Colonel Stuart as an apology to his party for leaving them; al-
leging that Colonel Stuart had a character to lose: His Lordship was restrained by
the delicacy of his own situation, in consequence of Colonel Stuart having so long
estranged himself without cause.

condescend to any thing that looked like *making a bargain with an officer*; Colonel Stuart said, *it rested entirely with me to satisfy him or not, it was his duty to obey.*

“ Colonel Stuart dined with me,* and after dinner I invited him to supper at the Company’s *garden-house*, which invitation he accepted; At the same time, acquainting me that he had no conveyance, he requested I would take him with me in my chaise. I appointed him to come to the *fort-house* at six o’clock in the evening†.

“ As Sir Robert Fletcher’s successor was ordered by the Company to have a seat and voice in Council and Committees, when military affairs were under deliberation, in the same manner as at Bombay; I thought it would be handsome to let Colonel Stuart have an occasional seat in like manner, during the time he acted as Commander in Chief. I wrote a note to Colonel Stuart, reciting the substance of the Company’s orders, and desiring if he had got a copy of the order to Bombay that he would bring it, as it was my wish to make every thing agreeable to him.

“ I that afternoon desired the gentlemen of the Council to meet me in the fort house. Some of the Council differing in sentiment from me, on the subject of Colonel Stuart’s having a seat in the Council, it was agreed, in my apartment, that we would not have a regular consultation in form, but merely a meeting without taking places or shutting the door. Colonel Stuart, who remained in the consultation room, had

* Col. Stuart, when he came to dinner, brought Lord Pigot a *present* of some *Cherry Brandy*; and was so familiar, that people present took notice how soon he had changed friends.

† Col. Stuart borrowed Lord Pigot’s watch to know the time, saying, his own was out of order.

had not a copy of the orders to Bombay, but gave me a *letter* declaring, *that he had received assurances he was intended to have a constant seat in Council, in the same manner as Sir Robert Fleteber*: This not being a matter then to be discussed, little was said upon the subject. He was *shewn the commission of government*: he said he wanted to see all the proceedings, that he might judge as an *honest man*, and a *free agent*. It was replied by one of the council, that this doctrine, of a military officer's being a *free agent* and *entitled to know* on what ground orders were given, could not be admitted; that a military officer was bound to obey the *legal orders* he received from the *proper authority, issued in due form*, and had no claim to know, whether those orders were for good reasons or not. At the same time he was told, that no information would be denied to him, or to any man in the settlement; and that probably, if the application had been made *verbally* instead of by *letter*, no difficulty would have been made to shewing him the whole proceedings; Colonel Stuart made a lame excuse for writing, saying, that he thought it was best to have every thing on paper; He said *he had been misunderstood*; *that he did not mean to dispute the authority*, but only *wanted information for his private satisfaction*. Mr. Russell pointedly asked Colonel Stuart, *if he had accepted the command agreeably to the orders of the President and Council the preceding evening?* He replied *certainly*; for he had *received the salutes, and done all other things belonging to the office*. He then declared, *he was ready to do what we thought proper to direct*, and *asked me what he was to do*. I desired him to issue the general orders of Sir Robert Fletcher's being under arrest to all the out-garrisons. He pleaded very earnestly *to delay it till morning*; But when the necessity of it was urged to quiet the minds of officers, who might have received the circular letter from the notary public, he declared *upon his honour*, that, *if we would detain the tappies he would issue them that night*. The tappies were accordingly ordered to be detained, and the Secretary promised to send some assistants to the Adjutant General for the quicker dispatch of those orders.

“ Between

" Between seven and eight o'clock at night I went from the fort-house, with Colonel Stuart, to my chaise. On the island, between the two bridges, I saw Lieutenant Colonel Edington, the Adjutant General, come running a-slant the road, from the southern side, towards the chaise ; supposing he wanted to speak to us, I reined in the horses ; and when Edington got near their heads, he waved his naked sword and cried *Seapoys*, whereupon a party of Seapoys came from behind the trees on the other side, and Captain Lyfaught, with a pistol in his hand came up to the chaise from that side, and said to me, "*You are my prisoner,*" or words to that effect ; and then Colonel Stuart *seized hold of my arm*, and said, "*Go, Sir,*" or "*Go out, Sir,*" and an orderly Serjeant drove away the servant, who was behind the chaise with my sword ; I was then conducted by Captain Lyfaught to Mr. Benfield's post-chaise, Captain Lyfaught opened the chaise door, and an orderly Serjeant came out of it ; I was told to get into it, and Captain Lyfaught came in also, keeping the pistol in his hand, and there was an orderly Serjeant behind the chaise. As we passed the Seapoy guard, at the Company's Garden house, Captain Lyfaught said "*My Lord, you must on no account call out,*" or words to that effect. When we had arrived near to the Long Tank, about three miles from town, he told me, that he was carrying me to the *Mount*, to deliver me into charge of Major Horne, and that he acted under *Colonel Stuart's orders*. About this time he let down the blinds of the chaise. I expressed my fears for the safety of the people in the town ; to which Captain Lyfaught replied, he believed Colonel Stuart had taken every necessary precaution on that head.

" My

“ My fervants informed me, Colonel Stuart returned to town in my chaise; and, I understand, soon after Mr. Stratton, Sir Robert Fletcher, &c. went thither; that they proceeded to the Consultation Room, and were *proclaimed* on the parade, *as Governor and Council*, by Colonel Stuart, who, it is now said, *had before accepted the same appointment from them, which he had received from us*; and this seems confirmed by his orders to Major Horne, delivered by Captain Ly-saught, which is the only orders Major Horne is permitted to give me a copy of: But I must take notice, that in a subsequent order, signed George Stratton, Henry Brooke, Robert Fletcher, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, is the following paragraph: “ *As your last resource in any attempt to rescue Lord Pigot, his life must answer for it, and this you will signify to him.*”

To this relation of his Lordship's, I shall add Colonel Stuart's report from Vol. I, p. 416, made on the 26th Aug. 1776.

“ Colonel Stuart having requested to attend the board, in order to
 “ lay some information before them, relative to his own situation
 “ since he was appointed to the chief command of the forces by Lord
 “ Pigot, Messrs. Russell, Dalrymple, Stone, and Lathom; the Co-
 “ lonel is called in, and lays before the board a copy of his letter to
 “ Lord Pigot, dated yesterday, and requests permission to mention
 “ to the board what passed on the occasion.”

Here follows the letter inserted page 76.

“ I delivered this paper to his Lordship at the Garden House im-
 “ mediately after breakfast. His Lordship read it attentively, and
 X “ objected

“ objected to the last part of it, as it had the appearance of a bargain
 “ before I was to do my duty : He gave me no satisfactory answer as
 “ to the communication requested, though I waited at home from
 “ nine o'clock to one,* in expectation to be called for that purpose.
 “ When I went to dine at the Admiralty with Lord Pigot, I again
 “ renewed the conversation, and urged the reasonableness of my re-
 “ quest : I observed that to treat me otherwise, it was improper, from
 “ my rank and station, as it was forcing me to execute orders blind-
 “ folded ; however, that it was in his Lordship's power to refuse it,
 “ and that I knew my duty, and would do it. I was summoned
 “ to attend Council that evening at 6 o'clock, when in the Council
 “ room, much conversation passed on various matters, and I again
 “ urged to his Lordship, in presence of Messrs. Russell, Dalrymple,
 “ Stone, and Lathom, the propriety of giving me communication of
 “ what had passed, but to no effect. In particular, I recollect, that
 “ great pains were taken to obtain a public acknowledgement of the
 “ authority of that part of the Council then assembled, by my order-
 “ ing officially the Adjutant-General to publish to the army the or-
 “ ders of the 23d, whereby I was appointed Commander in Chief,
 “ and Sir Robert Fletcher was put under arrest.”

“ Colonel Stuart's report of the manner in which he executed the or-
 “ ders given him in the minute of Consultation of the 23d August,
 1776†.

“ AS soon as I had an opportunity of being well informed of the
 general ground upon which the late majority (who *now* compose the
 government)

* It has been confidently asserted the morning was spent in adjusting their
 plan for seizing Lord Pigot, and I have heard Colonel Stuart received repeated
 visits from Mr. Benfield, who came in privately the back way.

† Vol. 2. p. 239. This paper is without date.

government) had separated themselves from Lord Pigot, and the gentlemen who adhered to him, some particulars of which were signified to the public and to me, by the letter of August 23d, directed to me by the notary public, Mr. Bromley, *I did not hesitate* to conclude it my duty *to obey their orders*; and in this view I had no difficulty in determining what part I was to act at the time when I received from Mr. Stratton the orders contained in their minute of consultation of August 23d.* In consequence of the powers vested in me by that minute, I *forthwith* formed the plan of putting this fortress into the possession of, what I considered to be, the legal government, with as little danger and confusion as possible. The principal officers of the garrison and neighbourhood, who, as I suppose, had received the same information from the protest circulated by the notary public, Mr. Bromley, gave a ready concurrence on their part to assist me. It became an object of great importance, towards the public peace of the settlement, to secure the person of Lord Pigot. *My own knowledge of the man*, and what I heard from others *of his violent hasty temper*, made his arrest necessary in my opinion; and I had taken measures to arrest him *even in the fort*, had it been necessary. But *I shall ever think it a fortunate circumstance, that I was not driven to this necessity*. After the Fort-Adjutant had *delivered to me*, by order of Lord Pigot, the *general orders* of the 23d August, *appointing me to the command of the army*, I went in the evening to the fort-square, at Lord Pigot's desire, to meet him. We had some conversation apart, the substance of which was, *That he considered my having received the general orders without objection, as an acknowledgment*.

* It has been reported that *one* of the *usurpers* has solemnly declared, that Col. Stuart was not acquainted with their intention of *imprisoning* Lord Pigot till he received the order to that effect. This solemn declaration Colonel Stuart himself contradicts, for he says (Col. Stuart's Defence, published by T. Cadell, November 1778, p. 36.) "This paper I *saw* wrote and signed, and received it in person from the gentlemen." This surely proves that he was present at their *conspiracy*!

knowledge of the authority by which they were published. On my part, without contradicting that position, I told his Lordship, that I owed to the Court of Directors the obligation of being next in command to Sir Robert Fletcher; and I pressed his Lordship to allow me communication of the records. He gave no precise answer, but asked me to supper, as he said, with his friends; which I promised to do, provided he gave me his word, that nothing of business should be talked of. Messrs. Stone, Dalrymple, Lathom*, and the Sub-Secretary, Mr. Baine, were of the party. Next morning, the 24th August, I thought proper to write Lord Pigot a letter, again requesting communication of the records before I was called upon for any executive act as Commander in Chief. This letter I delivered, after breakfasting with him at his garden-house. He read it with seeming attention; did not deny the reasonableness of the request; but objected to the manner, as *it looked like making a bargain* before I consented to do my duty. *He asked me to dinner.* I waited at home from nine o'clock till one, *in expectation of being called to council*†. I then went to the house called the admiralty, and again urged my request to be informed from the records of the grounds that had given rise to the *honour conferred upon me in general orders.* I had no answer that gave me any satisfaction. After dinner was over Lord Pigot asked me to sup. I enquired particularly whether he supped in *town* or at the *garden-house.* He told me in the *country,* but that he would see me at six in fort-square. About five in the afternoon I received a note from the Sub-Secretary, Mr. Baine, desiring my attendance on Council at six o'clock. By this time *I had entirely completed my plan,* and had entrusted the execution of it to Lieutenant-Colonel

* Mr. Lathom was not present, Mr. Russell having carried him out of Town in his chaise.

† His letter mentions that he did not think himself entitled to a seat in Council,

Colonel Edington the Adjutant-General, to Captain Lyfaught then in the garrison†, and to Major Horne, commanding the corps of artillery at the Mount. The first gentleman I ordered to post himself at a certain place on the road, with a few Seapoys, to stop the carriage, in which he would see Lord Pigot and me, to disperse the attendants, and to arrest Lord Pigot in the name of government.

“ I ordered Captain Lyfaught to be near at hand with a chaise, and an orderly serjeant, to convey Lord Pigot to Major Horne’s at St Thomas’s Mount, and gave him my orders and instructions for the Major. I posted another officer near *Lord Pigot’s guard* at the garden-house, to prevent their getting under arms in case of an alarm. *Having made this disposition*, I went to Council, where Lord Pigot arrived half an hour after six. There were present Messrs. Russell, Dalrymple, Stone, Lathom, Mr. Secretary Sullivan, and Mr. Baine. But they did not seem to be regularly met, or sitting as a Board. Lord Pigot retired with one or two gentlemen for some minutes, and then brought in his hand a parchment, which he called the *commission of government*, in order to convince me *there was no power in the Council to dismiss or suspend the Governor.* * There was much conversation upon this and other subjects, *which I confess I industriously*

† C. Lyfaught was not *doing duty* in the Garrison, but was *there* on leave of *absence* from his post in the Northern Circars.

* Lord Pigot was so entrenched in the Constitution, the commission of government declaring he could not be *removed but by the Court of Directors*, that he had no apprehensions! although enough passed in this conference to raise suspicions of Col. Stuart, I do not suppose any man, but those in the plot, could have *suspected* that Col. Stuart would have *seized his Lordship’s person*.

spun out to gain time till it was dark. The utmost efforts of Lord Pigot and the gentlemen were used to obtain *an avowed acknowledgement of their authority* by some public act on my part. Particularly they desired, that I might, as Commander in Chief, direct the Adjutant General to publish in general orders to the army, the resolution of Council, whereby Sir Robert Fletcher was put in arrest, and I was appointed to the command. I repeated at full length the hardship of obliging me to take this, or any other step, without giving me communication of the reason of their proceedings, adding, that I considered it *as a right peculiar to the officer commanding the forces, who, from his station, is entitled to a seat in Council.* Mr. Dalrymple and others in answer said, it was my duty to obey. *I fought off the best way I could* *; and a great deal of vague conversation followed, the particulars of which Mr. Secretary Sullivan very possibly may recollect. It was now about half after eight, and Lord Pigot had AGREED to drive me to the garden-house in his chaise. The Adjutant General stopped the chaise according to orders, and *I told Lord Pigot that he must go with Captain Lyfaught*, who accordingly delivered him over to Major Horne. I then sent the Adjutant General to the house where the seven members of Council were assembled, to acquaint them that every thing was ready for their reception in the fort-square. I returned myself to the fort, where I found every one in the best disposition to acknowledge their authority.

“ I do not take any minute notice here of Mr. Russell's conduct, in attempting to give orders to the main guard in my presence, and in the presence of almost all the officers in the garrison. I was under the

* Vide Lord Pigot's account, p. 79.

the necessity of forcing him from the parade, in order to bring him before Council, where I wished he should remain till he heard what I had to say upon the occasion, the particulars of which appear upon the minutes of consultation of the 24th at night.

“ The Board having information, that underhand practices were made use of to draw the soldiery from their duty, which they had reason to believe were encouraged by the local residence of Lord Pigot, *they empowered me to take such measures as I thought proper, to remove his Lordship to Chingleput.*

“ On the 26th * I ordered Major Cook thither to receive his Lordship,

* On the 27th August, (Vol. 1, p. 426) “ The President acquaints the Board, that he *this morning* received information from Col. Stuart, that he had reason to apprehend there was some tampering with the troops at the Mount, by persons in the interest of Lord Pigot and his associates.”

They thereupon resolve to remove Lord Pigot from the Mount to Chingleput, and to order Major William Cooke to proceed to Chingleput, whom they then appointed to the command there.

On the same day, (p. 432) in a letter to Major Horne, they say, “ We have *this day intercepted* certain letters which gave us some grounds to think there is an intention to tamper with the soldiers of this garrison, and also with those of your corps, in favour of Lord Pigot; *this obliges us to come to the resolution of removing his Lordship without delay.*”

So that Col. Stuart on the day before these letters were intercepted, had, with the true faculty of *second-sight*, made preparations for Lord Pigot's removal: Col. Stuart says “ the Board, *having information* that underhanded practices were made use of to draw the soldiery from their duty,” *empowered him* to take such measures as he thought proper, to remove his Lordship to Chingleput. Would any one, from this declaration, suppose the information to the Board came from Col. Stuart HIMSELF! the intercepted letters are not produced.

Perhaps

Lordship, and to provide the necessary things for his Lordship's convenience; and on the 27th I also ordered Lieutenant Colonel Edington

Perhaps it may be impossible ever to get to the bottom of this *Black business*; but the Town Major at Fort St. George received a letter in the morning of the 26th from Serjeant Keeling, who had for many years, with great credit, commanded the Fort at Trippaffore, that a rumour had reached him of a change of Government, which he did not credit, 'till an *order* arrived at the village of Trippaffore for the *Nabob's Troop of Horse to march at 12 at night across the country to the southward*;—and the following account is given in a letter dated

Mount, 23d September, 1777.

“ The night intended for the removal of Lord Pigot I left the Mount in my way to Trichinopoly, taking the Chingleput road; about the middle of the same night I came to Vendeloor, where I found lying on their arms a body of Seapoys, commanded by a Lieutenant Skyrme.”

“ I left that Choultry [Vendeloor] the next morning, and saw in several places on the road black-cavalry stationed, one of them, who was dismounted and sitting by his horse under the bank of a tank, with a carbine in his hand, on my asking him by my Pallankeen boy, *what business he was on, and why he concealed himself and horse in that manner*, and by whose order, He replied, *he was sent there by the Nabob, on my interrogating him concerning his business, he moved off without saying any thing more.*”

After they had given up their intention of forcing Lord Pigot away on the night of the 27th, Serjeant Shaw, the worthy associate of Stuart and Edington, in their *night exploits*, threw out the priming of his pistols, and said, in hearing of many people, “ It's lucky for you old boy that you were not of our party to-night:” or words to that effect.

Edington to proceed to St. Thomas's Mount, and concert measures with Major Horne, that *without the least noise and disturbance to the Ladies* of Lord Pigot's family, he might be conveyed in a chaise along with Lieutenant Colonel Edington to Chingleput.* As to what passed on this occasion, I refer to Lieutenant Colonel Edington and Serjeant Shaw's affidavit.

“ I cannot close this narrative without adding my satisfaction at having had an opportunity, in presence of the Council and of all the officers of the garrison assembled on the 24th at night, to declare *my sentiments upon the nature of a free government, under the auspices of the British constitution*; that it consisted in the *due subordination* of the military to the civil power†. This declaration I made in the name of all the officers of the garrison then present, to which they unanimously assented. Were it necessary to bring additional proofs of my real sentiments at this crisis, I might refer *to my conversation* in presence of a large company next day, assembled at dinner at the Governor's in the Fort Square; and the *public toast* I gave on that occasion unanimously approved by the civil and military servants then present. It was, “ Justice to the
“ army, while subordinate to the civil power.”

* The idea that the Ladies of Lord Pigot's Family would be less disturbed by their Father's being *carried off in the night*, than by removing his Lordship *in the day*, must confirm the suspicion that there were other reasons for this unseasonable attempt to remove him.

† A proof of this subordination of the *military* to the *civil* power is Colonel Stuart's being appointed to command the *garrison* of Fort St. George, instead of the Governor, who had the Company's Commission.

" Though a foldier upwards of twenty-nine years standing, *I never one moment lost sight of the blessings of civil liberty, and I shall ever esteem it the most honourable and most fortunate circumstance in my life, to have been in any degree the instrument of recovering the legal authority of the Company's representatives; and I am ready to risk my all to support and maintain the established constitution according to my oath of fidelity as a servant of the Honourable Company.*

JAMES STUART."

To these public accounts given by Colonel Stuart, I shall add such parts of his private letters as his brother, Mr. Andrew Stuart, has published.

Mr. Andrew Stuart says, p. 21, that by the first conveyance after Colonel Stuart had seen the pamphlet, [Lord Pigot's narrative] he received a letter from him, " wherein he particularly gives an account " of what passed in the Council room on the evening of the 24th of " August, immediately before the arrest took place; and the account " there given, *expressly contradicts* the declarations, imputed by Lord " Pigot's friends to Colonel Stuart, during the course of that interview " in the council-room." What Colonel Stuart says is in these words :

" As to what is *falsely said* of my having given my honour to obey " *the orders of Lord Pigot's faction*, I trust, that, independent of my " *own assertion being full as good* as the assertion of Mr. Russell* so " nearly

* This mode of transferring Lord Pigot's assertion to Mr. Russell cannot pass unnoticed; however, it does not rest on Lord Pigot's single testimony, that Colonel Stuart did declare upon his honour, if we would detain the Tappies, that he would issue, by the Adjutant-General, that night, to the out-garrisons, the orders

“ nearly connected, the evidence of Mr. Sullivan, who was present,
 “ and then acting as secretary, will be more than sufficient to overturn
 “ the calumny; but if I may be believed to have any *memory*, or to
 “ be *possessed* of *common sense*, or *consistency* of *conduct*, none who know
 “ me as such can possibly think, that the *man* who *wrote* and *delivered*
 “ the *letter* the *morning* of that *memorable day*, the 24th of August, (of
 “ which you have a copy) could *possibly* make *such a declaration* the
 “ *same evening*.

“ Very true it is, indeed, that the members of Lord Pigot’s faction
 “ had summoned me to meet them in order to cross-question, and if
 “ possible, commit and entrap me in some snare; and as I had no pre-
 “ vious notice* of their intention, it required the utmost effort of
 “ caution and prudence in me to elude their intentions. At the pre-
 “ cise time of this fiery ordeal, the secret was in the power of near
 fifty

ders of Sir Robert Fletcher’s being under arrest: we also can bear witness to it; and Colonel Stuart’s taking no notice of the circumstance of the Tappies is a tacit proof. Where Mr. Sullivan’s *evidence* is I do not know. Will Mr. Secretary Sullivan *deny* that Colonel Stuart promised, upon his honour, to issue to the out-garrisons that night the orders of Sir Robert Fletcher’s arrest, if the Tappies were stopped? Was not Mr. Secretary Sullivan *ordered* to *stop* the Tappies accordingly? And did not Mr. Secretary Sullivan declare he would *send* assistants to the Adjutant-General to expedite the issue of the orders abovementioned?

* Colonel Stuart in his report (vide before p. 82.) says, “I was summoned to attend Council that evening;” and in his second report (p. 84.) “about five in the afternoon I received a note from the Sub-Secretary, Mr. Baine, desiring my attendance on Council at six o’clock;” and yet Colonel Stuart says he had *no previous notice*.—Vide his letter in the morning, desiring communication of the Records, p. 76. Let the world then judge of the *veracity* of *this declaration*!

“ fifty persons, including the parties at that very moment posted on
 “ the road to the Garden-house under the Adjutant-general, and Cap-
 “ tain Lyfaught; the commanding officer of the artillery at the Mount,
 “ had also orders to receive him; the Commandant of the Fort had
 “ likewise agreed to receive my orders on every emergency; Lord
 “ Pigot’s chaise was at the door; what then was for me to do, at that
 “ most critical period? Had I bluntly contradicted their assertions,
 “ with regard to their *legal powers*, or in direct terms refused to obey,
 “ the Settlement must have been involved, *together with myself* and the
 “ *gentlemen* who OBEYED MY ORDERS from a sense of their duty, in
 “ scenes of the greatest horror: for Lord Pigot, as was natural to sup-
 “ pose, was resolved to have *remained* in the Fort, and to have exerted
 “ EVERY AUTHORITY GIVEN HIM BY HIS MILITARY COMMISSION;
 “ and I was EQUALLY RESOLVED TO HAVE CARRIED HIM BY FORCE
 “ FROM THENCE TO THE MOUNT, at the risk of falling in the attempt.
 “ What other line could a man of common prudence or humanity fol-
 “ low, than that which I did, viz. neither asserting nor denying their
 “ propositions, but appearing, as I really did, passive on the occasion*.
 “ It was a trial of skill, which lasted at least three quarters of an hour.
 “ Instead of self-condemnation, the retrospect of the part I acted at
 “ that time affords me the greatest satisfaction, because, under Provi-
 “ dence, to that is owing, what the annals of history will not produce,
 “ viz. so universal a change being brought about so suddenly and
 “ without any individual being hurt in his person.”

Mr. Andrew Stuart, p. 30, gives the authority he has “ for con-
 “ tradicting the assertions, not only with respect to Colonel Stuart’s
 “ intruding himself upon Lord Pigot at his convivial hours, but also
 “ as to his being on terms of intimacy or friendship with his Lordship
 “ about

* Tappies.

" about the time of the arrest," viz. a paragraph of a letter from Colonel Stuart of so old a date as 13th December 1776 : It is in these words :

" It has likewise been given out by my enemies, that I was at the
 " time in the greatest habits of intimacy with him (Lord Pigot), and
 " approved of his measures. The fact is directly the contrary ; for
 " we had *not* been on *speaking terms* * for a very considerable time
 " before, and I had not dined at his house from the latter end of
 " June until the 24th of August ; that he asked me to dine, as is
 " *usually the case when any one breakfasts with the Governor, and the*
 " *occasion of my breakfasting* † *was the delivering a letter of which I*
 " sent you a copy."

Mr. Andrew Stuart, for the purpose of refuting what he calls " the
 " very unjust imputation endeavoured to be fixed upon Col. Stuart's
 " character, by those who pretended to believe, or attempted to per-
 " suade others, that in the moment of the arrest, Colonel Stuart, by
 " his expressions and manner, had behaved harshly and even brutally
 " to Lord Pigot," quotes (p. 34) a paragraph in a letter from Col.
 " Stuart, dated 14 September, 1777, in these words :

" When the Adjutant General stopped the chaise, in which I was
 " along with Lord Pigot, he (Lord Pigot) *made a short pause*, and was
 " *looking about him* ; we were then in the middle of the road, at a very

* There had been no *quarrel* between Lord Pigot and Colonel Stuart ; it is true he had totally estranged himself from Lord Pigot.

† Vide Lord Pigot's account of Colonel Stuart's message by the Colonel's nephew, Mr. Basil Cochran (p. 76.) Col. Stuart's *breakfasting* with Lord Pigot, that he might *deliver a letter from himself*, is an *Irish errand*.

" small distance from the Sepoy-guard at his garden-house, and many
 " servants round the chaise, and many people passing in the road.—
 " The *moment* was *critical*, not only because the least noise extraordi-
 " nary would have alarmed, but what is particular, *as the reins were*
 " *in his hands*, and *the horses very spirited*, he might have *forced them*
 " on, in spight of me, and the CERTAIN CONSEQUENCE would have
 " been his getting home; and MYSELF, with ALL the OFFICERS OF
 " others, who, with ME, thought it our duty, to obey the Majority as
 " the legal government, must have been *dismissed* the service, or TRIED
 " for our LIVES. This led me, on observing a kind of *hesitation* to
 " obey on the part of Lord Pigot, forthwith to *seize* the reins with one
 " hand, and PUT my other HAND to HIS ARM: to the *best* of my *recol-*
 " *lection*, the precise words I made use of were, " My Lord, you must
 " go out." They were uttered, not in a brutal or contemptuous tone
 " of voice, but with the tone of *respect* * as well as *anxiety*.—Lord
 " Pigot then instantly went out, without *my saying one word more*, or
 " his making any answer."

Mr. Andrew Stuart (p. 35) says, in another letter wrote by Col.
 Stuart from Tanjour in May 1777, there are the following paragraphs
 on the subject of Lord Pigot's arrest.

" I chose

* When the public consider the situation Colonel Stuart was in, they will judge
 of the likelihood of his *testifying respect*: As for the *precise* words he used, it will
 scarcely be thought that the utmost attention, which Colonel Stuart himself could
 desire might be paid, to his *veracity*, would prefer his *best recollection* at a year's
end, to Lord Pigot's *next day*. What Colonel Stuart expresses by the little word
 PUT Lord Pigot calls *seizing*. The Colonel gives the *lie direct*! to his Friend Mr.
 Capper's *Oration*, vol. 2, p. 336.

“ I chose to *obey*, what I judged from *common sense*,§ and what the
 “ Governor General and Council has since *established to be*, the *only legal*
 “ government †. I have said that it was at a great *risque* that I
 “ did this; because every thing that has happened to me would have
 “ come to me in *course*, and by the Company’s orders, without
 “ any *risque* at all, had I feigned sickness, or remained an unconcern-
 “ ed spectator ‡; but in truth I lost my health, and gained *nothing*
 “ in other respects by the change ||, except the satisfaction of hav-
 “ ing done my duty; and thereby, I hope, deterred others from
 “ *innovating or overturning the established law or constitution of go-*
 “ *vernment.*

“ I know the personal reflections of my enemies upon the occasion;
 “ but it can never be said that personal fear or apprehension induced me
 “ (under the appearance of going to his, Lord Pigot’s, country-house)
 “ to

§ I will leave the public to judge, whether Colonel Stuart’s immediately de-
 claring Mr. Stratton Governor, is not an incontrovertible testimony, that he did
 not think a majority of Council, without the Governor, was the *government*: if
 he had thought the *powers of government* were vested in the *majority*, would not *com-*
mon sense have told him to continue acting under that *majority*.

† The Governor-General and Council of Bengal had no authority to *establish*
 the Government at Madras: The Company, who were competent to decide,
 have declared the transaction a *total subversion* of the *legal government*; and declare
 the conspirators, under whom Col. Stuart acted, “to have *usurped* the government.”

‡ Mr. Andrew Stuart says he *could not have remained* an idle spectator.—
 A Kingdom divided against itself cannot stand.

|| Credat Judeus!

“ to have a place in the chaise with him, and to make that an essential part of my plan; I observe, that as that cannot be asserted with respect to me, who had the army under my absolute command,* and who had actually given my orders to *take him* by force from the Fort, or wherever he was †, had no opportunity offered of my going in the chaise with him, the unprejudiced public, in judging of this act, will, I hope, therefore, do me the justice to infer, that it was from motives of humanity, to prevent bloodshed and public disaster, and for the personal safety of Lord Pigot.”

I have here brought together the whole of the testimony given by Lord Pigot, and by Col. Stuart, concerning the violent act whereby the legal government was, in the Company's very words, “ TOTALLY SUBVERTED, by seizing and imprisoning the person of their Governor by a military force!” Let us now return to Mr. Andrew Stuart's letter.

Mr. A. Stuart mentions, p. 8, “ disapprobation which has been expressed by the *India Company* of Lord Pigot's conduct in suspending the

* Vide Col. Stuart's own account before p. 94. where he expresses his apprehension of Lord Pigot's getting to the Fort and bringing him and the other conspirators to trial.

† Lord Pigot told me, he was afterwards informed they had laid their plan for seizing him at Mr. Bromley's country-house, or in the way thither. His Lordship being engaged to give away Miss Debonaire in marriage to Major Smith, who, Lord Pigot also told me, he was informed received a sum of money from the Nabob on the occasion. Lord Pigot did not go to the wedding, but sent an excuse.

“ the *majority* of Council ;” but although I have examined the records with the utmost attention, I cannot find the Company have any where *expressed their disapprobation of this part* of Lord Pigot’s conduct. In their letter to his Lordship they say, “ it appears to us that your Lordship’s conduct, as President of our Council, is reprehensible “ in several instances ;” but what those instances are they no where explain.

Mr. A. Stuart alleges, p. 9, that he is “ well warranted to say the “ outcry and indignation, both against Lord Pigot and Col. Stuart, “ would have been more general and better founded, in case Lord “ Pigot’s *new government* had been established by the assistance of Col. “ Stuart !” I think I am *well warranted to doubt* the position. The outcry and indignation against Lord Pigot would probably not have been either violent or general ; the impartial world would have thought those men, who refused to await the decision of their masters, merited their fate ; and that the outcry would have been better founded with respect to Col. Stuart, I will venture to deny. Mr. A. Stuart’s epithet, *new government*, applied to Lord Pigot’s administration, is a little unhappy, as Lord Pigot was the *Governor appointed by the Company*, who had reserved to themselves ALONE the power of removing Him, and had established the number of his Council ; but it was a matter of very little consequence to the community, of what names this Council was formed ; whenever by vacancies the number was reduced below the usual establishment, those vacancies in Council were to be filled up by the Company’s servants next in seniority. The sense of the Company is clear and decided ; they call the revolution at Madras “ a *total subversion of the legal government*,” and denominate Mr. Stratton, &c. *usurpers*. This disapprobation could not have been expressed in *stronger terms*, had Colonel Stuart given his assistance to Lord Pigot in the most violent measures he is supposed by his enemies

capable of, though no part of his Lordship's conduct in any degree warrants the imputation. But says Mr. Andrew Stuart, p. 7, which ever party got the ascendancy, Col. Stuart was *exposed* to a *trial* by a *court martial* for disobedience of *orders*, had he refused the command of the army! As on "the same day that the *majority* of *Council* and " *Commander in chief* signed the order to Col. Stuart, there was an " *offer* to him of the *command* of the *army* from Lord Pigot and his " *Lordship's friends* in *Council*."

To call a *general order*, signed by the *Secretary*, and issued in the name of the *President and Council*, ordering Colonel Stuart to take upon him the command of the troops, in consequence of their having ordered Sir Robert Fletcher into arrest; to call, I say, *this order* of the *President and Council*, signed in their name by their *Secretary*, and delivered to Colonel Stuart in person by the *Town-Adjutant*, in presence of the *Town Major*, at Sir Robert Fletcher's house, "an *offer* from Lord Pigot and his *Lordship's friends* in *Council* of the *command* of the *army* to Colonel " *Stuart*," is a perversion of language! But to construe this *order* to Colonel Stuart, to be giving *him* an ABSOLUTE UNLIMITED COMMAND of the *ARMY*, as Mr. Andrew Stuart calls it, is astonishing beyond measure! The only *authority* given, by *this order*, to Col. Stuart, was the *authority* from which Sir Robert Fletcher had been removed by his arrest: which arrest did not imply *dismissal*; that depended on sentence of a court martial: and if Colonel Stuart had not taken an active part in the *subversion* of the *legal government*, the sentence of a court martial would have established, as far as the opinion of the officers composing that court martial could establish, what was the *legal authority*, without commotion in the settlement; and if the authority Col. Stuart disobeyed had no right to give such orders, what had Col. Stuart to fear from his brother officers on a trial?

Mr.

Mr. Andrew Stuart, p. 6, tells us, " the written order of 23d August 1776 to Colonel Stuart, for putting the *majority* of Council in possession of the Fort, and for arresting the person of Lord Pigot, was signed by seven members of the Council, which constituted an *unquestionable majority*, and one of those members who signed that order was the *Commander in Chief*, Sir Robert Fletcher." he adds, " at the time when Colonel Stuart received this order, he had no *seat* or *vote* in Council, no deliberative voice; his *duty* was that of *obedience* only to his *lawful superiors*, civil and military."

As Col. Stuart knew that Messrs. Stratton and Brooke had been *suspended* from the Company's service by the President and Council; as this had been notified by the secretary, in the name of the President and Council, his *only lawful superiors*, and published in general orders, he could not consider the order he received for arresting Lord Pigot as an order of the Majority of Council, unless he took *upon himself* to judge of the *propriety* of the *proceedings in Council*, which he was debarred from, by his own declaration *, that the military service " could not possibly be carried on for the good of the community, if *nice points* of *Political Government*, or *reasons of state*, or the *constructive sense* of *words*, were to be left to the *private opinions* or *decisions* of military officers, before they executed the orders of their superiors." The Company's commission of government had declared that Lord Pigot was to *continue* in the *exercise* of his office, as President and Governor, till the contrary should be signified by the Company. Every officer was ordered by the military regulations to obey *all* orders issued by the secretary in the name of the President and Council. Here the plain path was chalked out for Colonel Stuart! Some violent illegal orders of Lord Pigot must have made his mind revolt from what he so expressly declares to

* Col. Stuart's *Defence*. Printed for T. Cadell, Nov. 1778. P. 39.

to be the duty of an officer? Can it be believed that no order was issued by Lord Pigot that could wound the *tenderest conscience*!

The impropriety of an officer judging for himself what is *A Majority* of Council, must be further notorious, when it is considered that there were at this time *many members* absent from the Presidency; whenever a chief of a subordinate settlement comes up to the Presidency, he immediately takes a part in the functions of Council; Mr. Lathom was lately arrived from Cuddalore; Colonel Stuart could not positively know that other members had *not arrived* and taken their seats at the Council Board. Lord Pigot had some time before desired all the absent members might be called up to the Presidency, that it might appear whether a majority of his whole Council concurred in opinion with him on the political affairs of the coast, or in the opinion of the majority of the members then present; and although the members of the majority had refused this just and reasonable request, Colonel Stuart was not to be acquainted with the resolutions of Council. Mr. Lathom's arrival made the members who signed the order no longer a majority; and had the other absent members been also on the spot, the number of members, who did not sign the order, was greater than the number of those persons who signed it, even including Messrs. Stratton and Brooke; and, indeed, *all the absent* members had as much right to give an opinion as Sir Robert Fletcher, who had been *absent* from the Council in which Stratton and Brooke were suspended. It is, perhaps, unnecessary to repeat, that *Lord Pigot*, and *not* Sir Robert Fletcher, was Colonel Stuart's *Commander in Chief*; and that the very order itself declared, *They* had FORMED THEMSELVES INTO A COUNCIL.

Mr. Andrew Stuart alleges Colonel Stuart "was reduced to this alternative, that he must either give *support* to the *Government* of LORD PIGOT, to the prejudice of ALL the *suspended members* of the majority, " and

“ and to the *prejudice* of HIS *Commander in Chief*, THEN ordered under
 “ arrest, and ABOUT TO BE TRIED FOR HIS LIFE ; or he must *obey* the
 “ *joint orders* of the *Commander in Chief* and the *Majority of Council*.”

It has been proved, I presume beyond doubt, that *Lord Pigot*, and NO OTHER, was COMMANDER IN CHIEF at Madras, and consequently to *Him ONLY as such*, and NOT to Sir Robert Fletcher, Colonel Stuart owed obedience in Madras ; and that the order of the President and Council for the suspension of Messrs. Stratton and Brooke, was notified by the Secretary in general orders to the garrison, who were directed to obey Mr. Russell, as *second* of the Coast ; *i. e.* Lord Pigot's Deputy : The clause in the Commission of Government, declaring that Lord Pigot was to continue in the exercise of that authority 'till removed by the Court of Directors under their hands, or the Company's seal, Col. Stuart himself acknowledges Lord Pigot pointed out to him.—However, as perhaps Mr. Andrew Stuart may still withhold his conviction ; to convince him that *Lord Pigot ONLY*, and NOT Sir Robert Fletcher, was Colonel Stuart's *Commander in Chief*, I shall now produce what even Mr. Andrew Stuart must admit as unexceptionable testimony ! I mean the authority of Colonel Stuart HIMSELF ! in answer to General Munro's opinion, that the arrest of the person of Lord Pigot OUT of the GARRISON of Fort St. George, is NOT an OFFENCE that comes under any article of war : Colonel Stuart says,*

“ It is universally known that I arrested the late Lord Pigot, the
 “ *Governor*, and as such the MILITARY COMMANDER in CHIEF of the
 “ forces composing this garrison, at a place greatly within the guns of

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“ this

* Appendix to his letter to the President and Council of Fort St. George, dated 6th March 1778, part of this is copy of a letter from him of 24th February, but part of the first letter is omitted.

“ this fort, and on the fort side of his own guard, at the Company’s
 “ Garden house, which guard was and is daily relieved from the gar-
 “ rison.

“ I give it moreover as my opinion that the military definition of a
 “ Governor’s jurisdiction as such (where no provision is made to the
 “ contrary) is the country adjacent to the Fort, and under the range
 “ of the guns; or, in other words, that within these bounds the Go-
 “ vernor is to be *considered* by ALL Officers as the *Military COMMANDER*
 “ IN CHIEF of the *garrison* of Fort St. George, and its dependencies,
 “ as *expressed* in HIS MILITARY COMMISSION from the Company. I
 “ am the more confirmed in the justness of the definition already men-
 “ tioned, by the *uniform opinion* and *practice* in *this settlement*, to confi-
 “ der that the ground lying betwixt the Bridges and even much be-
 “ yond the Governor’s country-house comes under the preceding de-
 “ scription*.

He then gives a description of the spot where he seized his *Governor*
 and *Commander in Chief*, and continues

“ To suppose that the late Lord Pigot was NOT THEN and THERE
 “ the Governor and MILITARY COMMANDER IN CHIEF of all the troops
 “ which Government had appointed for the garrison of this fortress,
 “ and whose authority is so CLEARLY DEFINED, both by the *Commission*
 “ as GOVERNOR, and by the *Company’s instructions* of 1774 would infer,
 “ in my humble opinion, this *very extraordinary position*; that the Go-
 “ vernor

* In his letter of 24th February he adds, “ I say in *that case*, as Lord Pigot
 “ was, at the TIME and PLACE, the SUPERIOR MILITARY OFFICER, therefore
 “ I may be charged with having BEGUN, EXCITED, and CAUED MUTINY, in
 “ terms of the first article of war, p. 7 and 9, and *punished* accordingly, unless
 “ I can vindicate my conduct.”

“ verner of Fort St. George, when he takes an airing, or walks out
 “ beyond the Glacis, either for health or duty, *loses his right to give*
 “ *orders to any part of his own Garrison*, not even when he thinks
 “ fit to inspect their barracks ; it would infer that the Governor sitting
 “ in the country house allotted by the Company for him, where I be-
 “ lieve the greater part of his time is spent, could not there locally
 “ act in a military capacity, as has been *universally the practice*, as well
 “ as in my idea, the *clear right of the Governor*.

“ Had the Court of Enquiry been permitted to have sat, it would
 “ have appeared *that part of the garrison who were aiding in the arrest*
 “ of Lord Pigot, had been put under arms by my orders, and therefore
 “ that act comes under the description of an article of war, even al-
 “ though the late Lord Pigot had been *beyond his garrison* ; and I
 “ might have suffered in consequence if I had failed in proving it was
 “ MY DUTY SO TO DO.”

These extracts I must refer to Mr. Andrew Stuart to sophisticate if he can.

When attention is paid to the circumstances of the case, as before stated, it will, however, be found that Sir Robert Fletcher was not THEN *under arrest*, nor Messrs. Floyer, Palmer, Jourdan, and Mackay *suspended*, when Colonel Stuart received the order, under which he pretends to have acted, when he seized his Governor and COMMANDER IN CHIEF ; for this order is dated at THREE o'clock, and the notification of their letter being sent to the Town Major, &c. was not made to Lord Pigot till about FOUR o'clock, after which the Council met, the notary public was sent for and examined, and a considerable time past in Council before the resolution was taken to put Sir Robert *under arrest*, and to *suspend* the other members.

It appearing, upon a fair and full state of facts, that Colonel Stuart was NOT in the *situation* his brother has described; the whole fabrick therefore drops to the ground, and we might leave the learned gentleman till he has wove a new web of sophistry! But although it would be useless to examine Mr. Andrew Stuart's positions minutely, since the whole of his argument is thus grounded on a false assumption, I will indulge myself in a few cursory remarks.

In the plenitude of his candour he says, p. 39, " the general letter of the Company, sent by the Besborough in July 1777, continued Colonel Stuart's suspension, and directed that his conduct should be examined into by a court of inquiry, and that he should be tried by a court martial; *but in case he had been guilty of no military offence that was cognizable by martial law*, then it was ordered that his *suspension from the service*, INSTEAD OF BEING TAKEN OFF, as one might reasonably expect, *should be continued indefinitely*, and without limitation of time. SUCH ARE the DIRECTIONS which have been sent from *this country* with respect to Col. Stuart."

But on reference to this letter by the Besborough, dated 4th July 1777, I find in

Par. 52. A court of enquiry is ordered to examine into the conduct of Colonel James Stuart, Lieutenant-Colonel Edington, Major Horne and Capt. Lysaught, " during the late troubles, and that they each of them be tried by a court martial, so soon as a court of enquiry shall have ascertained the facts, and prepared the charges upon which such trials are to be founded.

P. 53. " But notwithstanding our foregoing orders for appointing a court of enquiry into the conduct of Col. Stuart, preparatory to his trial by a court martial, yet from the *nature of his offence*, we are NOT CERTAIN whether it comes under any of the articles of
" war,

“ war, or that he can be tried by martial law, in *that case* we direct,
 “ in ORDER TO SHEW OUR DISAPPROBATION OF HIS CONDUCT in AR-
 “ RESTING AND IMPRISONING THE PERSON *of* OUR PRESIDENT and
 “ GOVERNOR, his suspension from our service be continued, and that
 “ he be ordered to return to England by the first proper conveyance.”

Mr. Andrew Stuart asks, p. 38, “ what *crime* has Colonel Stuart
 “ been guilty of towards his Honourable employers ?” he adds, p.
 39, “ the only case that was at all in contemplation, or provided for,
 “ was that of his being *guilty* and *deserving punishment* ;” but “ no care
 “ whatsoever was taken of him, in the event, that, upon *inquiry* or
 “ *trial*, he should be found to have been INNOCENT.”

The Company's letter of the 4th July 1777 places this in so clear a
 light, that one can hardly conceive it possible to be misunderstood ;
 the Company had not left their GOVERNOR at the *disposal* of his *infer-*
iors ; they had reserved to *themselves* ALONE the power of REMOVING,
 or even *censuring* this Governor ; the Company therefore knew that
 Col. Stuart, who had *removed* and *imprisoned* their Governor, could
 NOT be INNOCENT ; and therefore, lest he should, by any quirk of law,
escape the military punishment he merited, they direct in such case,
 to testify their *disapprobation* of his conduct, that *his suspensi* should
 be *continued*, and he *be ordered* to return to England.

Mr. Andrew Stuart says, “ it became proper for his brother to
 “ consider, what the *possible* or *probable* consequences might be to the
 “ Company's settlement, in case *he* should *obey* Lord Pigot and the
 “ minority in preference to the majority of Council and COMMANDER
 “ IN CHIEF.” This is not a just mode of stating it ; the con-
 clusion ought to be, “ in case *he* should *obey* the order of the *President*
 “ and Council, notified in *due form* by the *Secretary*, in preference to
 “ Sir Robert Fletcher, who was indeed his senior officer, but not HIS

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“ Commander

“ *Commander in Chief*, and men, *some* of whom he knew, by the *Secretary's* public notification in the *name* of the *President* and *Council*,
 “ were *suspended* the Company's service, and consequently divested of
 “ all authority; and ALL of *them* declaring *themselves* to be a *self-*
 “ *formed Council.*”

“ He asks, “ is it probable that Sir Robert Fletcher, known to
 “ have been of a disposition neither *timid* nor indolent, and who was
 “ *drove* to the *necessity* of making some *exertion* for his *own safety* to
 “ RESCUE HIMSELF from HIS IMPENDING FATE! that he would have
 “ tamely and placidly acquiesced in the establishment of Lord Pigot
 “ and the minority, and in his own supercession and TRIAL by a court
 “ martial, even supposing that Colonel Stuart had given his support
 “ to Lord Pigot ?

“ Or is it probable that all the gentlemen of the suspended majority
 “ would have placidly and tamely acquiesced in that *new* government
 “ and in their own suspension, degradation and disgrace, without
 “ making some efforts to preserve *their rights* and their consequence
 “ in the important settlement of Madras.”

He then paints an imaginary scene of civil war, which, in his opinion, would probably have ensued, had Colonel Stuart supported Lord Pigot's government.

Mr. Andrew Stuart seems to have forgot that these arguments are much stronger when applied to Lord Pigot, who he himself acknowledges, p. 18, “ as Governor of the Fort, had a *right* to *command* in “ the *Garrison*,” and to his friends who were deprived of their offices and consequence in the important settlement of Madras, without *law* or *justice*, and without *even* the *forms* of either. If he will admit that Colonel Stuart was so sensible of the moderation of Lord Pigot and his friends, that he was convinced they would not involve the
 public

public affairs in any confusion to obtain justice to themselves. He urges but a poor apology for taking the government from men of such temper and moderation, to throw it into the hands of others, *so violent*, as in his judgement to be capable of throwing every thing into the utmost confusion, to satisfy their own revenge, by the sacrifice of every public interest: But Colonel Stuart, by his own account, seems to have been under no apprehensions of a Civil War! His *fears** are for *his own personal safety*, and that of his brother conspirators, who, he concludes, would have been *dismissed the service*, or *tried by Court-Martial*, in case Lord Pigot had not been seized: This is a very different idea from a Civil War!

The allegation that Sir Robert Fletcher “*was drove to the necessity of making some exertion for his own safety, to RESCUE HIMSELF from HIS IMPENDING FATE!*” I will not dispute: But what was the danger He was exposed to? A TRIAL by *his Peers*! If he had been guilty of no military offence, *his life* could have been in *no danger*; and his trial would have, judicially, given the officers an opportunity of investigating the claims of authority. Sometimes we are told Sir Robert’s *circulating the protest in garrison* was a mere civil act; sometimes again that Sir Robert was acting in his military capacity: If it was a *Civil act* ONLY, the sentence of a Court-Martial could have inflicted no punishment on Sir Robert; if it was a Military act warranted by authority, the sentiment of a Court-Martial would have confirmed that authority to Sir Robert’s honour, and to the opprobrium of his prosecutors: But if it was deemed a *Military Offence!* exciting *Mutiny*, being punishable with DEATH! Sir Robert was indeed *drove to the necessity of an exertion to “RESCUE HIMSELF from HIS IMPENDING FATE!”* or to *suffer that punishment*, which his Peers should deem *adequate to his crime*.

If

* Vide Page 94.

If Mr. Andrew Stuart will consider all circumstances, he must perceive that the chance of Lord Pigot receiving *some intimation* of the *conspiracy* before he left *his Fort*, was as a *thousand* to *one*: Indeed that he *did not*, was only owing to its being supposed *he knew*, what *he did not suspect*.

If my propositionn of calling all the officers before Council on the 23d August, to explain to them the Commission of Government and the orders of the Company, had not been rejected, as making the *Protest* of too much consequence:

If Lord Pigot had attended to the Town Major's account of Col. Stuart's behaviour, when the Town Adjutant delivered him the order of his being appointed to the command in consequence of Sir Robert Fletcher's arrest, his ambiguous declaration in the consultation room, about the Adjutant General not being in the Garrison, would have given the alarm, and the *plot* would have been *discovered*.

If Lord Pigot had *not taken* Col. Stuart with him in *his chaise**, if his Lordship had even *whipped* his horses and *pushed back* to the *Fort*, as Col. Stuart says he might have done, or if he had taken the advice of

* Lord Pigot had brought me in from the garden house in his chaise, so that I had no conveyance to return thither, but walked out with Mr. Russel; as Lord Pigot was going down stairs, The Nabob's son in law met his Lordship, and pressed to have some conversation with him, he returned to the Consultation Room without Col. Stuart: It once came into my thought to have proposed, that Mr. Russell, or I, should have gone out with Col. Stuart, and sent the chaise back for Lord Pigot and the other: When Lord Pigot went down to the gate where the chaise was, Col. Stuart was missing; but on Lord Pigot calling his name he came forth, Lord Pigot afterwards mentioned that he imagined Col. Stuart had supposed the plot had been discovered by this visitor, and had concealed himself, 'till his apprehension was removed by his Lordship calling to him.

of the Black People,† and not exposed his person without a guard, Col. Stuart's *treachery* might have been ineffectual.

If Mr. Russell, whom Mr. Andrew Stuart is pleased to represent as one of the *Civil Counsellors* of Lord Pigot's party, although Mr. Russell had been, in due form, declared in publick military orders, signed by the Secretary in the name of the President and Council, "SECOND of the coast and to be OBEYED accordingly". I say, if Mr. Russell had been in the *Fort*, and had shut the gates against Col. Stuart, or,

Had Col. Stuart *not done*, what no power in India could *authorise* him to *do*, not even *his Masters*, THE COMPANY; I mean to IMPRISON Lord Pigot; Let Mr. Andrew Stuart consider what would have been the consequences! if his brother, Col. Stuart, had persisted in his attempt to seize the *Fort*.

Mr. Stuart totally misunderstands the nature of the Company's service: The *Counsellors* are not *merely civil*, they are component parts of the *Military Government*, and individually receive *military salutes* from the *guards*. The senior *civil servant* is always the Governor's *Locum Tenens*, and was known and acknowledged to be such by every officer in garrison. As I was very seldom accompanied with any insignia of office, I was seldom saluted; but for some time after Lord Pigot's imprisonment, salutes were constantly paid at my entering the gate, which testified without ambiguity the sentiments of the foldiers.

Mr. Andrew Stuart says, p. 62, "if it could be supposed that the weight of the civil authority was so *equally poised* as to produce doubts

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on.

† That very afternoon, as Lord Pigot and I were walking to the garden house, his Lordship mentioned that the Black People had been cautioning him against exposing his person, as he did, without a guard; his Lordship applied this to *assassination* and not to any *treachery*: his mind was not formed to fear.

" on which side it preponderated, can it be a matter either of wonder or of blame, that a military man, formed by *his education* to OBEY rather than to INVESTIGATE, should allow on so even a balance, and in a discussion of so much nicety, the *concurring commands* of his superior officer to turn the scale."

Here then let us rest the conclusion!*

Col. Stuart on 23d August receives the *order* from the conspirators to seize the *Fort*, "he *forthwith* formed the plan of putting the Fort into their possession;" The order from the conspirators directs him to seize the person of Lord Pigot if necessary: He determines for himself that *it was necessary*, and took measures to *seize him in his own Fort*: He then receives the order from the President and Council of Sir Robert Fletcher's arrest, and his *own* appointment to the *command*; receives the *general orders without objection*; attends the Governor Lord Pigot; presses to see the *records*; sups with him *familiarly and socially*; stipulating that no business should be talked of; Next morning *breakfasts with the Governor*; delivers a letter expressing a wish to be allowed *that day* to peruse the consultations, to enable him "*to act from information*, so as to *do his duty* to his employers, according to his *vow of fidelity*, for the publick service and with *honour* to himself." Expressing that "he trusted Lord Pigot would be *pleased to agree to this request*, before he was *called upon to execute* any *publick act* by authority." Dines with the Governor†. Accepts an invitation to supper‡. Goes to meet the Governor in

* The following are taken from Col. Stuart's own Declarations, the pages referred to in the margin.

† Brings him a present of Cherry Brandy.

‡ Desires the governor to give him a seat in his chaise to the Garden House.

- in the evening, after he had settled his plan for *seizing him*; ac-
 P. 85, l. 12. knowledges Lord Pigot shewed him the Company's commission of
 government, to *convince him* there was *no power* in the Council to
 pen. *dismiss* or *suspend* the Governor; a Commission positively declaring,
 that Lord Pigot was to continue in the exercise of his office, as Presi-
 dent and Governor, till the contrary be signified under the hands of
 thirteen or more of the Court of Directors, or under the Company's
 P. 86, l. 1. seal; confesses that he *industriously spun out* the conversation to *gain*
time till it was *dark*. Declares, on being urged that it was HIS DUTY
 12. to OBEY, "that he *fought off the best way he could*," and that Lord Pigot
 15. having *agreed* to drive him out in his chaise to the Garden House to
 supper, when the chaise was stopped by the Adjutant-General, whom
 he had placed in ambuscade with some Sepoys, Col. Stuart told his
 17. Lordship he *must go* with Captain Lyfaught;* and thus *seized* Lord
 P. 101, l. 24. Pigot, whom he himself acknowledges was *then and there* his GOVERNOR
 102, l. 7. and MILITARY COMMANDER IN CHIEF.
 note.

If Mr. Andrew Stuart can, with all his ingenuity, by any construc-
 tion of words, bring these declarations of Col. Stuart himself, to come
 under the description he has given of Col. Stuart as "a military man,
 "formed by his education to OBEY rather than to *investigate*," I will
 acknowledge the dulness of my own comprehension, and admit that
 Sir Robert Fletcher, the Grand Lama, the Pope or the Pretender,
 and NOT LORD PIGOT, was Colonel Stuart's Commanding Officer in
 Madras.

* Who came up to Lord Pigot with a pistol in his hand, and told his Lordship
 he was his prisoner.

P O S T S C R I P T.

TO remove every possible ground of doubt whether the foregoing is a fair state of the causes assigned for the *total subversion* of the *legal Government* at Fort St. George, and for *imprisoning* the Governor Lord Pigot; I shall here give the publick declaration of the *Usurpers* themselves, which they call a

“ P R O C L A M A T I O N .

“ IN the name of his Majesty, and the English nation, from whom
 “ are derived the authorities and powers of the Honourable East India
 “ Company, our constituents, We, the subscribing members of their
 “ government of Fort St. George and its dependencies, *composing a ma-*
 “ *jority* of the *members* of the said government, and therefore by law, and
 “ the express orders of the Company, being virtually the government, issue
 “ the following proclamation :

“ Whereas the Right Honourable Lord Pigot, President, and Claud
 “ Russel, Alexander Dalrymple, and John Maxwell Stone, Esquires,*
 “ members

* In their *proclamation*, as they call it, immediately after their *whereas*, they tack us to Lord Pigot, as having by *various arbitrary* and *illegal* acts attempted to *supersede* in *them* the authority of the Company, which, they say, “ can be demon-
 “ *strated* to every individual, by the following measures, which *they* have attempted
 “ to execute,” and then, when they come to their specification, their whole charge is against Lord Pigot, and no part against us.

“ members of *our* Council, have by various arbitrary and illegal acts,
 “ attempted to supersede in us the authority of the Company, and to
 “ assume to themselves the powers of this government, contrary to law
 “ and the orders of the Company, which can be demonstrated to every
 “ individual by the following measures which they have attempted to
 “ execute, and which are entered on the records of the Company.

“ First, That the President *has expressly maintained*, that he would
 “ not put questions† moved by the members of the majority if he did not
 “ chuse to do so; that he had a right to adjourn the Council contrary to the
 “ opinion of the majority, as well as that, by putting a negative to any reso-
 “ lution of a majority, he can stop the execution of such resolution. A
 “ system which proves to the meanest capacity, that it is replete with
 “ the greatest dangers to the community, and expressly contrary to the
 “ constitution of a government vested in the hands of *more than one*
 “ member. Thus, if an enemy invaded this settlement, and that Pre-
 “ sident

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1. That he had maintained, he would not put *questions* moved by the members of the majority, if he did not chuse to do so.
 2. That he had a right to adjourn the Council contrary to the opinion of the majority.
 3. That, by putting a negative to any resolution of a majority, he can stop the execution of such resolution.

† The objection, concerning Lord Pigot's refusing to put a question to the vote, requires explanation. The established custom of the service, confirmed by the Company's orders, and the recent resolutions of the Council, when a public advertisement was affixed to the gates to that effect, many of the persons who sign the *proclamation* concurring therein, confine all intercourse with the country powers to the President. Not long before our arrival this order was enforced: forbidding visits to the Nabob, &c. without the President's leave; and the Governor General and Council in Bengal, to whom the matter had been referred by Mr. Wynch and his Council, declared the prohibition was conformable to the Company's orders and the former practice. On Lord Pigot's arrival, finding:

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spies

“ fident chose to oppofe preparations for the public defence, it is evident, that the loss of the settlement might attend fuch powers in the hands

spies had been kept on the Nabob, to bring account of every thing he faid, his Lordship informed the Nabob, that he had removed all these, and would not restrain any body from visiting him. When Lord Pigot found, that the proceedings at the Board were *communicated to the Nabob*, and had good reason to believe members of the Council had given the Nabob advice, to obstruct his Lordship in the management of the Company's affairs, he thought it proper to withdraw the general licence; and, on a motion in Council, it passed as a resolution, “ that no “ member of the Council should visit or receive visits from the Nabob or his sons.”

Sir Robert Fletcher was one who voted against this resolution. Some time after he proposed a motion to rescind that resolution, which his Lordship refused to put, for the reasons he has assigned in the draft of the general letter to the Company, by the Grenville, viz.

“ Your President cannot avoid remarking, that, when he refused to put Sir “ Robert Fletcher's motion for rescinding the resolution of the Council of the 17th “ of June against members of the Council visiting the Nabob, he took notice, “ that it was almost the only question, which he would not put; that the resolution was entirely conformable to your orders, to ancient usage, and necessary “ for good government; that rescinding the resolution would be a breach of your “ orders, and tend to involve your affairs in difficulties for no reason; and, that “ *intercourse* with the *country government* was a privilege, which you had been “ pleased to vest in your President solely, and therefore was what the Council “ could not agitate with propriety.

“ Your President, from an attentive consideration of the commission of government, thinks his Council are appointed the better to enable *him* to manage your “ affairs. He thinks, that he can do nothing without a majority of his Council; “ and he thinks so great a deference is due to that majority, as to require the President to concur with them on ordinary occasions, but *not in disobedience to your “ commands*. On the contrary, he thinks, his duty to the Company obliges him “ not

“ hands of an ill-disposed President. And further, if such a system was
 “ supported, and that a *President* vested with such powers was *de-*
 “ *tested* in sacrificing the public interest to his own, it is clear that no
 “ *measure of detection* or punishment could be carried *against him*†.

“ Secondly, It had been resolved, that Col. Stuart should be sent
 “ to the command of Tanjour, and instructions had been recom-
 “ mended by the Commander in Chief, but the President refused to put
 “ the question for their being taken into consideration. The majority
 “ of the Council, who had before resolved on the necessity of sending
 “ Colonel

“ not to concur with a settled majority, who uniformly pursue measures ruinous
 “ to your interests, and *contrary to your orders*.”

It may also be observed, that if members in a minority can again introduce, when they please, a matter, which has been carried by a majority, the same subject may be eternally renewed, and a total stop put to all business. At the same time Lord Pigot refused to put this question of Sir Robert Fletcher for rescinding a former resolution, his Lordship offered to put one by Mr. Mackay for rescinding another resolution; because *this* did not concern the *Company essentially*, but *himself*. However Mr. Mackay declined having it put, as the other was refused.

‡ They are equally happy in the instance they bring of the dangerous tendency of a negative being vested in the President, and in the manner they express themselves.

It must be left to the proclaimators to explain their *paradox* of *detection*. A President is equally amenable to the law with any other person; but the punishment of a President, in all other cases, is reserved by the Court of Directors to themselves. Whenever *necessity* requires an irregular interference, *that necessity* must be very *clear* and *urgent*; and the interference must be the public and temperate act of the community; It requires something more than a hypothetical conjecture, that Lord Pigot would have been wanting in the *necessary defence* of Fort St. George against an *enemy*.

" Colonel Stuart, had no other mode left, excepting suspension, but
 " that of entering their opinions in writing; first, that they ought to
 " be then considered, and next, that they were proper and full; and
 " the President refusing to sign them, the majority, unwilling to come
 " to extremities, further gave it as their opinion, in writing, that they
 " should be signed by the Secretary. This, the President said, he thought
 " would not be a sufficient authority for the Secretary, and in conse-
 " quence, as the Secretary did not seem to think it sufficient,
 " with the unanimous agreement of the majority, an order to
 " the Secretary to sign it *by order of Council* was written, then
 " copied fair, and when signed by Messrs. Stratton and Brooke, was
 " snatched by the President out of Mr. Brooke's hands, and the very
 " same instant the President pulled out of his pocket a charge
 " against those gentlemen for an intention to subvert the government,
 " and introduce anarchy, by signing an order to the Secretary without
 " the concurrence of the President and Council. It must here be
 " remarked, that as he came from his closet prepared, it must have
 " been his intention to seize the paper as soon as it was signed by as
 " many of the majority as he wanted to get rid of. On this frivolous
 " charge he moved the suspension of those two gentlemen, and by
 " excluding their votes, and voting himself, although he was the
 " accuser, by his casting vote he carried the motion. And that
 " although it was moved to adjourn the Council previous to his putting
 " his question, he would not hear it, but proceeded; and as soon as he
 " had effected his design he adjourned the Council, although the
 " members of the majority then staid, and refused to consent to it. An
 " attempt, which if by law or custom it could have any effect, must
 " have virtually suspended his own authority, his being but part of the
 " government which he attempted thus to supercede. That he issued
 " in public military orders the said illegal attempt as the act of the
 " Governor

“ Governor and Council,† thereby attempting, in violation of every
 “ right and privilege of this constitutional government, to assume a
 “ personal power over the military.

“ Thirdly, His having violently attempted to supercede the whole
 “ authority of us, and of the Commander in Chief of the army, and
 “ endeavoured to compel obedience from all servants civil and military
 “ to himself and his associates, as if he and they possessed legally and
 “ constitutionally the authority invested by the Royal Charter, and the
 “ orders of the Company, in a majority of the members of the govern-
 “ ment, which majority we the subscribing members virtually and ef-
 “ fectually compose.

“ For these weighty reasons, no less clear than interesting to every
 “ individual, whether a servant of the Company, or under their pro-
 “ tection,* it is hereby *enacted* and *proclaimed*, that George Stratton,
 Esq;

† How they could assert in this proclamation, “ That *he* (Lord Pigot) issued in
 “ public military orders the said illegal attempt, as the act of the Governor and
 “ Council,” is very astonishing! Equally so is their conclusion, in which are these
 words, “ thereby attempting, in *violation* of every *right* and *privilege* of this
 “ constitutional government, to *assume* a *personal* power over the military.” Had
 his Lordship issued in his own name the orders in garrison, he certainly would not
 have exceeded the authority vested in him by his commission, as Governor of the
 fort, and Commander in Chief of all the Forces in it; but this order is given, p. 58,
 signed by the Secretary, in the name of the President and Council.

The *third* charge they gloss over in general terms. Perhaps had they particu-
 larly mentioned, that *all* of them had been *suspended* by the President and Council,
 it might have raised doubts, how they could acquire *authority*. They therefore
 confine their charge to an unspecified *violent attempt* of Lord Pigot, to supersede
 the whole authority of them, in whom it was invested by the royal charter and the
 orders of the Company.

* This sounds like an *act of Parliament*. Having begun their *proclamation* in the
 name of *his Majesty* and the *English nation*, perhaps they thought it proper to end
 like King Lords and Commons.

" Esq. is, according to the orders of the Company, President of the
 " Council and Governor of Fort St. George ; and that the Powers of
 " Lord Pigot and Messrs. Russell, Dalrymple, and Stone, stand annul-
 " led. It is therefore ordered and proclaimed by the authority of the
 " aforesaid President, and we the subscribing members of Council,
 " being the only legal representatives of the Company on this Coast,
 " that all the servants civil and military do obey our orders imme-
 " diately, and every servant failing in such duty is held answerable by
 " their commission or station in the service of the Company. And it
 " is further proclaimed, that all servants civil and military shall be
 " indemnified* against any oppression or disadvantages they may have
 " suffered

* Messrs. Stratton and Brooke were suspended the 22d of August in the afternoon.
 The only business at the next day's consultation was to defer the consideration of
 their letter.

“ Recommendations from the Commander in Chief.

- | | |
|--|--|
| “ 1st. A surgeon's assistant to Ongole. | Ordered to lie on the table. |
| “ 2dly, A serjeant and nine invalid artillery to Ganjam | No conveyance offering to Ganjam, it required no resolution. |
| “ 3dly, A serjeant of artillery from the mount to be sent to Mazulapatam to fill the place of a store-serjeant lately deceased there. | Ordered accordingly. |
| “ Lastly, Lieutenant James Johnstone of the engineers, employed in a survey of the Chica-
“ cole Circar, be granted leave to come to Ma-
“ drass, as soon as he had finished the survey of
“ the Bobilly district, about which he is now
“ employed, on account of his having a bad state
“ of health to the northward, and his desire of
“ doing duty at the Presidency, to acquire a
“ knowledge of that essential part of his profes-
“ sion, the construction of fortifications. | Ordered accordingly.” |

" suffered or may suffer by the usurped authority of the Right Honourable Lord Pigot and his associates,"*

(Signed)

George Stratton,
Henry Brooke,
Robert Fletcher,
Charles Floyer,
Archdale Palmer,
Francis Jourdan,
George Mackay.

Fort St. George,
24 August, 1776.

" As it is proper that, upon so interesting a subject the orders of the Company should be expressly and literally set forth, we have directed the following standing orders to be annexed to this proclamation.

" Whatever

* Almost the first act of the *self-made* government was to write letters to Mr. Russell, myself, and Mr. Stone; in which they say, " The very illegal and unconstitutional conduct you have shewn in the support you have given to Lord Pigot convinces us, that no dependence can be placed on you; and considering, how much the affairs of the Company have suffered through these means, we are reduced to the necessity of suspending you, and you are accordingly hereby *suspended from the service*." They afterwards wrote a similar letter to Mr. Lathom, who was lately come from Cuddalore, and had attended but one day's Council.

These gentlemen had, a little while before in a minute they gave in, alledged that it was against *humanity* and *justice* to condemn a man unheard; and in the letter they sent by the notary public, they had laid it down as a position, " that no consultation could be legal where all the members were not summoned." However none of us were ever summoned by them to attend any Council. Their consultations were indeed of a different nature; that regulation, of summoning all the members, is in the Company's commission of government, from which they could derive no authority, as it expressly says, Lord Pigot was to remain

“ Whatever shall be agreed upon by the majority shall be
 “ esteemed the order by which each one is to act, and accord-
 “ ingly every individual person, even the dissenters themselves;
 “ are to perform their parts in the prosecution; and in so doing
 “ they do their duty, and must not be blamed.”

main in office till removed by the Court of Directors; and being a government of their own making, they surely had a right to make it as they pleased, *against humanity* as it obviously was *against justice*. It has been seen in their proclamation, that when they came to the specification of offences, they had nothing to allege against us; all their complaints are confined to Lord Pigot; and although I had on former occasions given my opinion, in Council, what was the sense of the Company's orders in *their commission of government*, by which I was constituted a member of the Council, and of the *constitution of government*, as well from that commission as from the ancient records and the royal charter, the other gentlemen had not; these were merely opinions, which, if any member thought necessary to refute, was only to be done by shewing the clear orders of the Company, setting aside that ancient constitution, and the recent commission; But this no one ever attempted: It is true Sir Robert Fletcher had repeatedly hinted, that he intended to move the Council to take these opinions into consideration; and declared, that he thought they merited *suspension*; and I as often desired him to bring his charge against me, laughing at the absurdity of making a charge against any member, for the *sense* he entertained of the Company's orders. They usually satisfied themselves with invective and general positions of their own.

I only stand accused of giving my support to Lord Pigot, that is, of doing the duty required of me by the Company, when they appointed me in Council; which, in this station, I at all times executed to the best of my abilities, opposing every measure which I disapproved, whether it had or had not the President's countenance, and supporting every measure I thought right. It is unnecessary for me to say any thing more on that subject, except that it is as impossible for me to *divine*, as it is for them to *explain*, in what instance the Company's affairs have suffered through me.